

TOWN OF
DRYDEN NEW YORK

AGRICULTURE AND
FARMLAND PROTECTION PLAN

ADOPTED MARCH 2018



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TOWN OF DRYDEN AGRICULTURE AND FARMLAND PROTECTION PLAN

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TOWN OF DRYDEN AGRICULTURE & FARMLAND PROTECTION PLAN

Summary of Findings and Recommendations

April 2017

Purpose

In 2014, the town was awarded a grant from NYS Department of Agriculture & Markets to develop a municipal Agriculture and Farmland Protection Plan. New York State has a constitutional priority to protect agricultural lands and therefore, has enacted the NYS Agriculture District Law and provides funding to municipalities to develop agriculture and farmland protection plans and for the purchase of development rights. In 2015 the town's existing Agricultural Advisory Committee (formed in 2013) was charged with making recommendations for farmland protection and for strengthening agriculture. Recommendations contained in the plan reflect input from the agriculture committee, other town farmers and rural landowners, town officials, and the community at large at meetings during the past 2 years. The plan provides details on development and other pressures on farming, existing land use policies, farming resources and enterprises, along with recommendations to ensure a viable future for farming in the Town of Dryden.

Vision for the Future of Agriculture in the Town of Dryden

Farms all types and sizes are encouraged. Existing and emerging operations and enterprises will be able to respond to customer demand quickly thereby taking advantage of a new or increased market opportunities, without burdensome restrictions or regulations. There is recognition that a diversity of farm operations creates demand for more effective and efficient use of a diversity of agricultural resources.

Farming Profile

Farming is dominated by a few large dairies and a diversity of smaller livestock operations that are mostly hay and pasture based with equine being dominant. Vegetable and berry production is associated with direct marketing. A unique aspect of Dryden agriculture is the amount of land owned and operated by educational institutions. Cornell owned agricultural lands are located in Freeville, Varna, on Mount Pleasant and north of Harford on the Cortland/Tompkins County lines. Tompkins Cortland Community College operates a vegetable farm as part of their sustainable farming Farm to Fork curriculum. The William George Agency also has farmland and farming activities associated with their educational programming for teens.

Dryden enjoys a long history of continuous farming, however, as with all of agriculture, the remaining farms are concentrated on the better soils located north and east of the villages of Dryden and Freeville. Given the location of agriculture surrounding the villages and bisected by major transportation corridors, farmers may be challenged to find additional land to expand and are increasingly impacted by non-farm development. Solar leasing presents an additional threat to farmland especially if landowners renting to farmers chose to sign a solar lease instead of renting to farmers. Two farms east of the Village of Dryden preserved land they farm through permanent agricultural conservation easements.

There are 23 full-time farmers in the town, most of whom receive agricultural property tax assessment. There are 32 smaller, part time operations, most of whom do not receive agricultural property tax assessment (7 of 32 receive ag assessment), as well as 4 farm operations based outside of the town that own and/or rent land in the town (*data from Tompkins County Assessment and CCE Tompkins*).

Farming in the Town of Dryden generates a total of \$15 million in agricultural product sales, nearly one quarter of the total agriculture sales for the entire county. Farmers utilize 14,836 acres of land or about one-quarter of the

town's land area. Of the total land in farming, 6,652 acres are owned by 55 farmers and 4,285 farmed acres are rented from about 40 rural landowners, all of whom receive agricultural property tax assessment. Another 733 farmed acres do not receive agricultural assessment, and 3,166 acres are owned by Cornell University. Compared to 2004 Agriculture Property Tax Code data, there were 13,341 acres owned and rented by farmers (includes Cornell land). In the past 10 years, there has been an 11% (1,495 acres) increase in land that is owned or rented by farmers. The increase in farmed land demonstrates the demand for farmland and the viability of farming in the area. *(data from the Ag Census, TC Assessment Dept. and CCE Tompkins)*

Of the 58,500 total acres of land in the town, 5,000 are prime soils and 34,000 are soils of statewide significance (Class I and II) *(data from the USDA NRCS)*. Class I and II soils are scattered throughout the town with the largest concentration being north of the Village of Dryden and east of the Village of Freeville, generally following the Fall Creek corridor.

Dairy farming is the dominant agricultural enterprise (5 farms) accounting for about \$12 million in agricultural product sales from milk, cattle, and crops. Dairy farming creates most of the farm jobs. Most field crops raised on town farmland are destined to be consumed by dairy cows, but several crop farmers also sell crops on the commodity market. Organic farming occupies 1,469 acres of the total 14,836 acres (10%) and includes one organic dairy farm plus several field crop, vegetable and non-dairy livestock farms. *(data from Ag District Surveys)*

Livestock farms, most notably equine, are the next most common type of farming after dairy and crops and can be found throughout the town. Equine and other livestock farms (beef, sheep, goats, pigs, poultry) use land less suitable for crops but which is fine for pasturing animals. The growing equine sector has supported the establishment of two service and supply businesses catering to horse owners. Market growers, which include small fruit and vegetable operations, farm markets and roadside stands, honey and maple, as well as, hops and mushrooms, are also contributors to the town's agriculture base, and are a sector that may be poised for growth. Added value businesses include two farm breweries, a food processor and a food distributor. There are a total of 55 farming businesses in the town that employ approximately 130 people on a full, part-time, or seasonal basis. *(data from Ag District Surveys and Town of Dryden surveys)*

Key Findings:

- Large dairy farm operations have absorbed many of the smaller dairy farms that once dominated the rural landscape in Dryden. The expansion of larger dairy farm enterprises has created competition for farmland resulting in higher land prices, a stronger market for land to rent, and is primarily responsible for the 11% increase in actively farmed land over the last 10 years. Large dairy farm operations are the predominant land use in the northeastern part of Dryden, owing in part to higher quality soils in that area.
- Smaller scale dairy farms have all but disappeared in Dryden. The dramatic reduction in small dairy farms resulted from a number of factors including dwindling profit margins, outdated facilities, no one to take over the farm, the ability to rent land to larger dairy operations, and the fact that dairy farming is an increasingly difficult and complex business.
- Dryden has an emerging and diverse mix of smaller agricultural enterprises including organic farms, equine and other livestock operations, and locally marketed produce and plants. Many of these businesses are operated on a part time basis and their owners have off-farm employment.
- New residential development in Dryden has been occurring primarily outside of the villages and hamlets. Even though residential development has slowed over the past 20 years, the town remains a popular place for families wishing to "move to the country". While the amount of land consumed by new residential development is not a direct threat to farming enterprises, development affects farming in other ways: traffic, higher land prices and taxes, rural neighbors unfamiliar with and unhappy with farming activities, and trespass issues. The non-farming community is largely unaware of the regulatory requirements farmers must meet to protect the environment.

- Dryden’s zoning law is a key resource for protecting farmlands and farming enterprises. As noted in Chapter Five of this document, parts of the law are weak in describing and defining the diversity of agricultural activities in Dryden.
- Farmers are interested in efforts to direct development away from actively farmed land by concentrating development within villages and hamlets.
- Two farms in the town have sold development rights via the NYS Farmland Protection Program (PDR/Purchase of Development Rights). As the price of farmland has increased, the difference between agricultural land values and development values has been reduced. In the experience of Tompkins County Planning and the Tompkins County Agriculture and Farmland Protection Board, two organizations that oversee the PDR program in the county, the decrease in per acre payout for PDR has resulted in few additional farmers are expressing interest at this time.

Priority Recommendations:

1. Increase general agriculture awareness and support for the town’s agriculture industry by clearly identifying Dryden as a Right to Farm Town through road signage.
2. Promote agricultural direct markets and encourage residents to buy from Dryden farm businesses.
3. Create a supportive environment for farming in the town by continuing to improve town-farmer communication and by enforcing laws, such as trespass laws and storm water regulations, to reduce and avoid negative impacts on farm operations.
4. Protect and promote the best farmland and encourage environmental stewardship by:
 - a. Making farmers aware of environmental protection funding programs
 - b. Allowing farmers to sell small lots of least desirable land
 - c. Charging the Planning Board, Conservation Board, and Agriculture Committee with developing a map of possible non-agricultural large-scale solar installation sites and educating agricultural landowners of the pros and cons of converting their land to solar installations
5. Ensure farm-friendly zoning and other legislation by educating town staff and officials about the NYS Agricultural District Law and by ensuring town laws are not in conflict with Agricultural District Law.
6. Update the zoning laws to:
7. Remove certain non-agricultural uses from the list of uses permitted in the Rural Residential, Rural Agricultural and Conservation zoning districts;
8. Remove the requirement for special use permits for agriculture-related activities, as supported by documentation on page 77 of the appendix;
9. Add new agriculture-related uses including agri-tourism, farm markets, and agriculture-related light industrial uses;
10. Clarify zoning as it pertains to farm worker housing;
11. Update definitions in Article 3 of the Zoning Law.
12. Local laws and ordinances should be reviewed at regular intervals to ensure they stay current with changing agricultural practices and trends.
13. Promote and support agricultural economic development to build upon existing assets such as equine, small livestock, direct marketing, craft beer, and added value food enterprises such as dairy products processing or greenhouse vegetable production. Foster linkages among enterprises to access markets, grow agri-tourism, and develop food and agri-business clusters.
14. Large scale renewable energy should avoid agricultural lands. If siting on agricultural land is deemed necessary, it should be sited on the least desirable agricultural land.

TOWN OF DRYDEN

AGRICULTURE & FARMLAND PROTECTION PLAN

I. INTRODUCTION

BACKGROUND

New York State Agriculture and Markets Law, Article 25 AAA, encourages development of county and town agriculture and farmland protection plans. According to state law, agriculture and farmland protection means “the preservation, conservation, management, and improvement of lands which are part of viable farms, for the purpose of encouraging such lands to remain in agriculture production.”

In 2006, the State made grant funding available for municipal Agricultural and Farmland Protection Plan development. The Town of Dryden submitted an application and was awarded a municipal Agriculture and Farmland Protection Plan Development Grant in 2014.

The State requires the following information be included in the plan:

- Location of areas or land to be protected
- An assessment of the economic and open space value of the agricultural lands to be protected, the consequences of conversion, and the level of development pressure on these lands
- A description of programs and strategies to be used to promote continued agricultural use

Plan development is carried out at the local level with participation from town officials, farmers, Cooperative Extension, County Planning, the Soil & Water District, and consultants as needed. Plan approval requires at least one public hearing, town board approval, and County Agriculture and Farmland Protection Board approval with final approval by NYS Department of Agriculture & Markets.

PURPOSE

The Town of Dryden adopted its Comprehensive Plan in December 2005 with a goal to promote the long-term economic viability of the agricultural community in the town and preserve agricultural land resources, without unduly infringing on property rights. It was the intention of the town (as stated in the Agriculture & Markets grant application) to utilize state funding to develop a municipal Agriculture and Farmland Protection Plan, to review zoning regulations and their benefit to farmland protection, and to support farmers interested in participating in the State’s Farmland Protection Program (purchase of development rights).

The town’s Comprehensive Plan expresses strong support for and recognition of the importance of agriculture. The Plan references the town’s Right to Farm Law and zoning which permits agriculture in all districts, and identifies the goal to “Promote the long term economic viability of the agricultural community in the town, and preserve agricultural land resources, without unduly infringing on property rights”. However, there were concerns within the farming community that the town’s zoning law might be unreasonably restrictive, based on comments from NYS Ag and Markets (see Appendix) during the most recent zoning update in 2015. Farmers attending meetings and completing surveys as part of this plan development process also mentioned being concerned about zoning.

The Town of Dryden Agriculture and Farmland Protection Plan will identify important farmland and agriculture resources and help the Town of Dryden accommodate future growth without threatening the valuable land and soil resources and economic activity that make agriculture significant to the town and the county as a whole.

AGRICULTURE - DEFINITION

In accordance with NYS Agriculture District Law (25-AA, 301:11), "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision seventeen of this section and "commercial equine operation" as defined in subdivision eighteen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

PLAN DEVELOPMENT PROCESS

Background

Activity related to this grant was initiated in 2014 by the town's Agricultural Advisory Committee. A grant application was developed by Jane Nicholson, Interim Director of Planning, reviewed and submitted to NYS Agriculture & Markets by the town. Following state approval, an agreement to provide plan development support services was executed between Cornell Cooperative Extension of Tompkins County and the Town of Dryden in January 2015. The agreement included Cooperative Extension staff to support committee work and the plan development process, to conduct a farmer and landowner survey, to develop a profile of farming activities in the town, to facilitate the development of a vision for the plan and recommendations, and to lead the process of final plan writing. Cornell Cooperative Extension of Tompkins County staff members Monika Roth and Debbie Teeter worked on the plan's development with input from the Town Agricultural Advisory Committee members.

In early 2016, the town hired George Frantz, Planner, as a consultant to review the town's Zoning Law and to identify current land use policies for their consistency with NYS Agriculture and Markets Law 25-AA, section 305, and to suggest additional policies that would further the goal of farmland protection in the town. A draft report from Mr. Frantz was presented to the Town Agricultural Advisory Committee in May 2016, with a summary presentation for the Town Planning Board that same month. Cooperative Extension staff presented a preliminary draft plan to the town agriculture committee in fall 2016 with continuing input and revisions. Three public information meetings were held to gain broader farmer and landowner input on March 11, 2015, and March 1 and 29, 2016. Work on the plan writing has continued into 2017 and the town filed for a grant extension with NYS Agriculture and Markets to accommodate the final writing and public hearings that needed to take place for plan adoption (extension approved to Dec. 31, 2017).

Meetings Held and Key Milestones

Farmer and town representatives were invited to an inaugural meeting on May 11, 2015 to learn about the grant requirements and goals, and were asked to give input on issues of concern pertaining to land use and local laws.

Farmers, town representatives and consultants served on a steering committee that met on the following dates (public information/input meeting dates in bold):

2015:

January 14 – Agriculture Committee Meeting
 February 11 – Agriculture Committee Meeting
 April 8 – Agriculture Committee Meeting
March 11 – Public Input Meeting
 May 13 – Agriculture Committee Meeting
 June 10 – Agriculture Committee Meeting
 July 8 – Agriculture Committee Meeting
 August 12 – Agriculture Committee Meeting
 September 9 – Agriculture Committee Meeting
 November 11 – Agriculture Committee Meeting

2016:

January 13 – Agriculture Committee Meeting
 February 10 – Agriculture Committee Meeting
March 1 - Public Input Meeting
 March 9 – Agriculture Committee Meeting
March 29 - Public Input Meeting
 April 13 – Agriculture Committee Meeting
 June 8 – Agriculture Committee Meeting
 July 13 – Agriculture Committee Meeting
 October 19 – Agriculture Committee Meeting
 November 9 – Agriculture Committee Meeting

December 14 – Agriculture Committee Meeting

2017:

January 11 – Agriculture Committee Meeting
 February 8 - Agriculture Committee Meeting
 March 8 - Agriculture Committee Meeting
 May 10 - Agriculture Committee Meeting
 June 14 - Agriculture Committee Meeting
 July 12 - Agriculture Committee Meeting
 August 9 - Agriculture Committee Meeting
 Spetember 20 – Agriculture Committee Meeting
 October 10 - Agriculture Committee Meeting
 October 19 – Town Board Presentation
 November 8 - Agriculture Committee Meeting
 December 13 - Agriculture Committee Meeting
 December 21 – Public Hearing

2018

January 10 - Agriculture Committee Meeting
 January 18 – Public Hearing continuation
 February 14 - Agriculture Committee Meeting
 February 15 – Public Hearing continuation

Meeting notes can be found in the Appendix - electronic copy only on file with the town.

Final steps for plan adoption

- Comments/revisions
- Plan approval by the Town Agriculture committee
- Plan review by the Town Planning Board and Town Board for review/input
- Public Hearing
- Approval by Town Board
- Approval by Tompkins County Agriculture & Farmland Protection Board
- Final approval by NYS Department of Agriculture & Markets

II. TOWN OF DRYDEN PROFILE

OVERVIEW

The Town of Dryden is comprised of agricultural areas, forested hillsides, the Villages of Dryden and Freeville, the Hamlets of Etna and Varna, and large tracts of rural and semi-rural subdivisions that have developed over the last 50 years. In the northeastern part of the town, agriculture is the active and predominant land use with field crop and dairy production that continues north into the Town of Groton and east into Cortland County and which extends south of the village of Dryden and west to the village of Freeville. There are additional agricultural areas in the south eastern part of the town to the Town of Harford (Cortland County) and to the southwest in the Mount Pleasant area.

It should be noted Dryden is by far the largest town by land area in the county, 55% larger than the town of Lansing, the next largest town. Dryden has a significant amount of land in State Forests, most notably the Yellow Barn Forest (1,289 acres) and about two-thirds of the Hammond Hill Preserve (3,618 acres are in the town).

Cornell University owns significant acreage in the town (3,166 acres) near Freeville, Varna, Harford, and on Mount Pleasant. Residential development has occurred slowly around the Village of Dryden in all directions as well as various locations in proximity to Cornell University.

POPULATION

According to the most recent 2010 US Census, the town's population is 14,435, with 1890 people in the Village of Dryden and 520 people in the Village of Freeville. There was a large increase in population between 1970 and 1980, with a 24% increase. In the next decade from 1980 to 1990, there was a 9% increase, followed by an increase of only 2% between 1990 and 2000. The increase from 2000 to 2010 jumped again to 7% .

From 1970 to 2010, the town's population increased by 48%. During the same 40 year period, the county population grew by 32%. Dryden, Newfield, and Danby represent the mid-range of growth, with 48%, 53%, and 55%, respectively. Lansing and Enfield grew the most, at 85% and 73%, respectively. Other towns in the county grew at less than 30%, and Ulysses grew at 9%.

HOUSING

In recent years housing starts in the town have slowed, although growth outside the villages has exceeded growth within them. This could be attributed to existing density in the villages, along with demand for single family homes in rural areas with scenic landscapes. The expansion of housing outside the village has implications for agriculture, including non-farm neighbor complaints about noise, lights, and smells, trespass on farmland, and unsafe driving near farm equipment on local roads. [See Map 1 in Appendix]

INFRASTRUCTURE

Roads: Along with town and county roads, Dryden is served by five state highways - Routes 13, 38, 366, 392, and 34B. The state routes serve as the major thoroughfares for those travelling through the town; additional county and town roads receive heavy use. Having good transportation connections is an asset for farmers, however, it also presents challenges as development along these roads increases.

Water: Most Town of Dryden residents, including farmers, get their water supply from private wells, the quality and quantity of which varies throughout the town. Where municipal water is available, the water supply

comes from the Bolton Point Water System, and the village or town-managed water systems. There is very little state certified agriculture district land in any of the Dryden water districts. [See Map 2 in Appendix]

Sewer: The Town of Dryden municipal sewer systems exist mostly in the same areas as the town's water systems, with the additions of the Cortland Road district immediately north of the Village of Dryden, and a district serving the Village of Freeville. There is very little state certified agriculture district land in any of the Dryden sewer districts. [See Map 3 in Appendix]

LAND RESOURCE BASE

Geology/Bedrock and Topography

The geology of the Finger Lakes is shaped by abundant Devonian rocks and by recent glacial history. Together, the Devonian rocks that accumulated in a warm shallow sea more than 360 million years ago, and the action of massive ice sheets shaping the rocks during the last 2 million years have produced the unique Finger Lakes landscape of lakes, hills, gorges and waterfalls.

The latest glacial episode was most extensive around 21,000 years ago, when glaciers covered almost the entire state. Around 19,000 years ago, the climate warmed, and the glacier began to retreat, disappearing entirely from New York for the last time around 11,000 years ago. The retreat of glaciers created the town's complex geology dominated by the Lake Ontario plain to the north comprised of rolling hills and valleys and the Allegheny Plateau south of Route 13 with elevations reaching 2000 feet and steeper slopes dominated by woodlands.

Soils

Tompkins County soil associations and soil types were mapped by the USDA Soil Conservation Service in 1965. Soil associations are mapped on a scale of 1 inch per 2 miles (1:126,720) and broadly represent the parent material of soil origin. Soil types are designated at a scale of 1:20,000 and provide much more specific information about soil capabilities and limitations generally within a two acre area.

Given the size of the Town of Dryden and the varied topography, there is a large variety, over 85, of soil types. [See Map 4 in Appendix] Soils can be broadly classified as gravelly, clayey, or having a fragipan. Agriculture has become concentrated in areas with the most suitable soils for farming and where measures have been taken to improve drainage. Soils south of Route 13 are generally acidic (low pH) with fragipans (impermeable layers) and topography that is less suitable for intensive crop farming. Most of the town's soils fall within the statewide soil management group 3 consisting of medium textured silt loam at the surface and subsurface, with medium potassium supplying power.

Management varies depending on parent material, slope, tillage, drainage, and erosion control practices. Coarse textured soils developed from glacial outwash and recent alluvium (streams) and medium-textured acid soils with fragipans developed on glacial till. The soils from recent alluvium tend to have sand or gravel subsurfaces and are better drained, whereas the glacial till soils contain shale and slate and have a silt loam surface with a dense compacted subsoil with fragipan or hardpan at various depths below the surface that impact drainage. Alluvial soils in the town include a few areas of Howard and Phelps soils with good drainage and crop potential located east of the Village of Freeville. The predominant glacial till soil types are Bath, Mardin, Langford, and Lordstown that are somewhat better drained than poorly drained Erie and Volusia.

Descriptions for Soil Types found in the Town of Dryden

Both Prime Soils (Class 1 & 11) and Soils of Statewide Significance

Arkport: deep, well-drained, moderately coarse textured soils formed in sandy lake deposits. Moderately sandy with enough fine material that they are not outstandingly droughty.

Howard: deep, well-drained, productive, medium-textured soils suitable for most crops formed from calcareous deposits of sand and gravel

Prime Soils (Class 1 & 11)

Phelps: associated with Howard but less well-drained; the series consists of deep, moderately well-drained, medium-textured soils formed in layers of water-laid deposits of sand, silt and clay

Soils of Statewide Significance

Bath: deep, well-drained, strongly acid formed in glacial till with a fragipan that restricts internal drainage; associated with moderately well-drained Mardin soils and somewhat poorly drained Volusia soil

Erie: deep, somewhat poorly drained, medium-textured soils formed in low lime glacial till with a dense slowly permeable fragipan 12 to 18 inches below.

Langford: deep, moderately well drained, medium-textured soils formed in low-line glacial till. Water passes slowly causing significant wetness.

Lordstown: well-drained, very strongly acid, medium-textured soils over bedrock 40 inches below. Resembles Bath soil with lots of rock fragments.

Mardin: deep, moderately, well-drained, strongly acid formed from low-lime glacial till with a fragipan 15-20 inches below the surface that limits water movement and rooting depth, occupy gentle slopes

Volusia: deep, strongly acid, somewhat poorly drained, medium-textured soils that formed in glacial till with a fragipan at 10 to 15 inches that prevents penetration of water and roots. Wetness and acidity of this soil are major limitations.

Active farming continues in Dryden on high quality soils critical for viable farming. Farm viability is driven by productivity; high quality soils produce greater crop yields resulting in higher returns per acre. This drives home the importance of protecting high quality soils for future farming and food production.

WATERSHEDS/WATERBODIES

The Cayuga Lake Watershed is the dominant watershed in the town and county. About 80% of the county's land area ultimately drains into Cayuga Lake and north to Lake Ontario. In the Town of Dryden, Fall Creek, Six Mile Creek, and Cascadilla Creek Watersheds are all part of the Cayuga Lake Watershed. [See Map 5 in Appendix]

Fall Creek Watershed: located in Cayuga, Cortland, and Tompkins counties, the Fall Creek Watershed is a major tributary to Cayuga Lake and is the drinking water source for Cornell. The creek begins near Lake Como and then meanders for approximately 33 miles to Ithaca, where it enters into Cayuga Lake. Fall Creek bisects agricultural land, as well as land that is not farmed including steep slopes, forested hillsides, and flat areas bordering the creek. Actively used farmland accounts for only 20% of the creek's boundaries. **Virgil Creek** is a major tributary leading into Fall Creek and is responsible for the large aquifer in the valley where the Village Dryden is located. Fall Creek is a significant recreational resource for fishing with public fishing areas maintained by NYS DEC, and is identified in the Tompkins County Conservation Strategy Natural Features Focus Area as being worthy of protection (2007).

Six Mile Creek Watershed: Drains approximately 15 square miles in the southern portion of the town. Drinking water in the City of Ithaca comes from the Six Mile Creek watershed, which extends southeast from the City of Ithaca about 20 miles and covers an area of approximately 46 square miles.

Cascadilla Creek Watershed: is the second smallest watershed in area draining 11 square miles in Ellis Hollow. There is virtually no active farmland in this watershed. The creek runs through Collegetown and downtown Ithaca to the Cayuga lake inlet at the Ithaca Farmers Market.

The Town also includes small portions of other, larger watersheds:

Owasco Inlet Watershed: Owasco Lake is one of the six larger Finger Lakes. The lake itself is entirely within Cayuga County, while the watershed is located primarily in Cayuga and Tompkins Counties, with a small portion in Onondaga County. A large wetland north of Freeville is the source of the Owasco Lake inlet which flows northward to the lake. Owasco Lake is used for a variety of recreational activities, and also serves as a source of drinking water for the City of Auburn and the Town of Owasco.

Susquehanna Watershed: Owego Creek begins at Star Stanton hill in the southern highlands of the town and flows southward to the Susquehanna River at Owego and then ultimately drains into the Chesapeake Bay. The Susquehanna River Watershed is protected under a Total Maximum Daily Load (TMDL).

Protecting Water Quality

Agricultural best management practices are recommended in the Cayuga Lake Watershed Management and Restoration Plan to reduce soil erosion and prevent source and non-point source pollution from farms and other facilities. Farmers in the town are active participants in the NYS Agricultural Environmental Management (AEM) program that provides farm site and enterprise specific recommendations for practices that mitigate water pollution and environmental degradation. A total of 6,515 acres of town farmland are enrolled in AEM representing 31 farm operations.

In 2016, NYS DEC announced that the southern end of Cayuga Lake was classified as being impaired, and that a TMDL (Total Maximum Daily Load) is being developed for the lake. The element of most concern is phosphorous, although nitrogen and sediment will also likely be addressed, and there will be implications for agriculture throughout the watershed. Public outreach has been conducted and the plan development is on-going.

Farmers must remain vigilant in their farming practices to prevent point source and non-point pollution of nearby waterbodies. This is done by following best management practices and through the installation of infrastructure to minimize and capture potential runoff.

Some practices and infrastructure on Dryden farms that reduce or mitigate source and non-point source pollution: (Source: Tompkins County Soil & Water District and USDA Farm Services Agency)

- agricultural waste facilities
- manure handling systems
- manure transfer systems
- fencing to exclude livestock from waterways
- Comprehensive Nutrient Management Plans
- silage leachate treatment systems
- rotational grazing systems
- alternative watering source systems
- stream buffering and crossings
- milkhouse waste water treatment systems

NATURAL AND SCENIC AREAS

Unique Natural Areas (UNA's)

UNA's are sites within Tompkins County with outstanding environmental quality, deserving special attention for protection. In the Town of Dryden a total of 61 UNA's were identified that encompass a total of 11,167 acres and represent 26% of the UNA's in the county (2000). Many of the UNA's are associated with farmlands in the town and are therefore protected by farm ownership. [See Map 6 in Appendix]

Open Space/Scenic Views

Tompkins County is renowned for beautiful natural areas and scenic rural landscapes. The Tompkins County Scenic Resources Inventory (2007) identified 111 noteworthy Dryden view sheds. Active farms play a critical role in keeping land open and in providing scenic views. Farmers own or rent 14,836 acres of land in the town (3,166 owned by Cornell University). Both cultivated fields and inactive farmland contribute to scenic views and open space/biodiversity by providing vegetative cover and wildlife habitat.

III. TOWN OF DRYDEN AGRICULTURE PROFILE

To gain a better understanding of Dryden agriculture, in fall 2014 a survey was distributed to 47 farm enterprises receiving agricultural assessment, five of which are based in another town or county, plus 10 farmers identified as not receiving agricultural assessment. Twenty-one surveys were returned (45% return rate, 50% return rate if only Dryden-based farms are considered). The survey included questions about farm operations (acres, crops, livestock, employees, etc.), the farming climate in the Town of Dryden, and future plans. For farms that did not return the survey, Cooperative Extension staff referenced Agriculture District review survey data (2015). Therefore, in developing the town farm profile, all farming operations known at that time were included; additionally, all farming operations were invited to public information meetings to provide further input.

A survey was also sent to 38 landowners renting land to farmers and receiving agricultural assessment. Twenty-one (21) of these surveys were returned (55% return rate). All landowners receiving agriculture assessment were invited to attend public information meetings. In this survey, landowners were asked about future plans for their land. Farm operations depend heavily on having land available to rent. Most farm operations would be impacted significantly if rented land was not available.

LAND IN FARMS

There is a total of 14,836 acres of town farmland involved in agriculture which is 25% of the town's land base. Of this acreage, 6,652 acres owned by farmers and 4,285 acres (29%) rented by farmers receive agricultural property tax assessment. An additional 733 acres of farmland does not receive agricultural assessment (farms must generate \$10,000 in product sales to qualify), plus 3,166 acres owned and farmed by Cornell University are tax exempt. 1,469 (10%) of the 14,836 acres owned or rented by farmers are under certified organic production. Compared to 2004 data, there were 13,341 acres owned and rented by farmers (includes Cornell land). In the past 10 years, there has been an 11% (1,495 acres) increase in land that is owned or rented by farmers.

This data (2015) provided by the Tompkins County Assessment Department is considered to be the most accurate source of town level farm data given that farmers and landowners file annually for agricultural assessment of property they own or rent to farmers. Additional data is provided by farmers during the 8-year agricultural district review process.

The increase in land owned and rented by farmers can be attributed to: expanding dairy and crop operations; inactive land that is easily certified for organic production; large dairy and crop farmers in contiguous towns and counties renting and buying land in the town. There is some demand for land in Dryden from Cortland County and Town of Groton farmers. At the same time, several Dryden farms own or rent land beyond town boundaries into Cortland County or in the Town of Groton, suggesting Dryden farmers may be being pushed to find land at some distance from their home farms.

FARMING ENTERPRISES

The predominant agricultural enterprise in the town is dairy farming along with feed and field crop production. A diversity of field crops are grown on Dryden farms. The most common crops are corn, legume and grass hay, and soybeans. Farmers also raise oats, winter barley, wheat, triticale, and sorghum. Pasture is another significant use of farmland, most typically for grazing dairy livestock, as well as other livestock including equine, beef cattle, and sheep/goats. Equine operations are increasingly common in the town. Some operators have referenced the proximity to the Cornell Veterinary College as a reason for locating in the town.

There are two certified organic farms in the town: one dairy farm and one vegetable farm. Other farms, especially those with livestock, may not be certified organic but the animals are considered to be naturally raised.

Other types of farm enterprises beyond dairy and livestock include vegetable and berry farms, farm markets, and specialty products such as honey, maple, mushrooms and hops. The growth of diversified farming operations in the town has been slower relative to other parts of the county. There is however, an emerging group of small farmers who could become an asset for growing direct marketing, agritourism and agriculture education opportunities.

FARM OPERATORS/EMPLOYMENT

While the total number of farms in the town is 55, only 30 farming operations receive agricultural assessment. These 30 are operating full time or significant part time businesses. Nine farms have been in existence for 50 years or more, and three of these are century farms (*data from Tompkins County Assessment and Ag District Surveys*).

Nearly all farmers report that family members (parents, spouses, siblings, children, other) have roles in the farm business including: labor, management, bookkeeping and clerical. On some farms, there is a division of labor with different family members in charge of different aspects of the operation, such as caring for calves, being in charge of equipment, or overseeing crops.

Dryden farms provide full or part time employment opportunities for nearly 70 owners, their family members, and other hired help. Additionally, farmers hire at least 60 part time and seasonal employees. It is estimated that there are at least 29 Hispanic workers on town dairy farms. Hispanic workers are vital on many dairy farms. There is concern that immigration enforcement actions and changes in immigration law could result in the sudden loss of Hispanic workers resulting in critical labor shortages on dairy farms. Further efforts to evaluate the status of the Hispanic workforce should be considered by the town agriculture committee (*data from Ag District Surveys*).

Farming Activity by Type of Enterprise	
Dairy	5
<i>All are full time</i>	
Crops, No dairy.....	10
<i>4 full time, 6 part time (includes 2 part time hops operations)</i>	
Vegetables/Fruit.....	7
<i>4 full time (includes 3 seasonal farm markets and 2 Community Supported Agriculture/Retail produce operation), 3 part time (includes 1 U-Pick, 1 mushroom grower, and the farm at TC3)</i>	
Livestock, Not Dairy.....	21
<i>5 full time (includes 4 sheep and/or goats and 1 heifer operation), 16 part time (includes 7 beef, 3 heifer, 3 sheep, 1 pig, and 2 poultry)</i>	
Equine.....	12
<i>6 full time, 6 part time</i>	
Ornamental Plants/Nursery	3
<i>These operations are part of farms listed as Farm Markets under Vegetables/Fruit</i>	
Total:	58
<i>58 enterprises associated with 55 farm businesses. Some farms have more than one enterprise.</i>	
Source: Cornell Cooperative Extension Tompkins County	

FARM SUPPORT AND ADDED VALUE BUSINESSES

The town is also home to several support businesses including a local Agway store, a tack and feed store, another business catering to horse owners’ needs, and Empire Livestock. In addition, Cortland Produce has a major distribution hub on Johnson Road and is active in supplying produce, meats and dairy to area restaurants. Several food processing businesses are also located in the town including a yogurt drink producer, a bakery, an oyster mushroom grower, plus Challenge Industries has located their dried apple processing facility at their original greenhouse production facility opposite NYSEG. Two craft beer brewers, along with a malting facility, are also operating in the town. There is opportunity to create a more robust added value food sector in the town by creating a “food corridor” or food business park. A study conducted by the Tompkins County Area Development Foundation (TCAD) in 2016 showed there is significant demand for a shared food processing facility (i.e. commercial kitchen). Collective planning and grant funding will be needed to explore this opportunity.

Agricultural Support Businesses

- Cortland Produce
- Lilley’s Tack and Feed
- Dryden Agway
- Empire Livestock
- The Show Trunk
- Clark’s Sure Fine

Processors/Value Added

- TC3 Farm (Coltivare)
- That Indian Drink
- Hopshire Brewery
- Baccus Brewery Company
- East Coast Malts
- Blue Oyster Cultivation (mushrooms)

Additionally, there are businesses that aren’t typically labelled as agricultural support, but where farmers do a significant amount of business, such as Randolph and Well Pump, Caskeys Garage, Pete’s Tire Service, Bartholomew Lubricants, Whitmore Fence, and RMS Gravel, as well as banks and insurance companies.

ECONOMIC VALUE OF FARMING

Total product sales from town farms are estimated to be at least \$15 million with over \$12 million attributed to dairy sector. Dryden farms contribute the second largest amount of agricultural product sales of any town in the county. This reinforces the significance of the agriculture industry in the Town of Dryden and its contribution to the overall agricultural economy in the county. Town of Dryden farms generate 22% of total farm product sales in the Tompkins County (\$67 Million total sales for Tompkins County, 2012 Census of Agriculture) (*data from Ag Census*).

Capital investments on Dryden farms over the past 7 years as reported in the 2011 agriculture district review survey included 10 farms with investments under \$10,000, 3 farms with over one million invested, and 3 farms with investments between \$500,000 and one million. The majority of farms invested \$10,000 to \$50,000 per farm (7 year period). The fact that the larger farms are investing in their businesses is a sign of farm viability, that farms are modernizing, and that farmers are optimistic about their future. Typical farm investments include: new structures or equipment and, on dairy farms, infrastructure to protect water quality as required for EPA Confined Animal Feeding Operation (CAFO) compliance (*data from 2011 Ag District Surveys of Dryden Farms*).

As mentioned before, farms in Dryden provide at least 70 full and part time jobs for owners and operators and at least 60 additional jobs that are part-time or seasonal. This amounts to a combined payroll of at least 3 million dollars. Most farm employment is associated with dairy farms and farm markets/horticulture businesses. Dairy farm management jobs pay competitive wages and laborers are generally paid above minimum wage. Crop farms and smaller specialty crop and livestock enterprises are owner operated and may employ a few extra workers during harvest. Jobs on farms result in dollars being spent in the community for housing, food, and other personal goods. Both part-time farmers and full-time farmers indicate that having off farm income to provide health and retirement benefits is valuable to the farm operation and family quality of life.

Taxes paid by Dryden Farmers receiving Agricultural Assessment

*\$11,455 in Dryden Fire District Tax, out of a total of \$993,817 which represents 1.15%.
 \$20,351 in McLean Fire Protection District Tax, out of a total of \$73,214 which represents 27.80%.
 \$24,110 in Town of Dryden Taxes, out of a total of \$1,957,710 which represents 1.23%
 \$80,822 in County Taxes, out of a total of \$48,029,942 which represents 0.16%.
 \$79,249 in Dryden School Taxes out of a total of \$14,995,595 which represents 0.01%.
 \$6,988 in Groton School Tax and \$3,195 in Ithaca City School Tax.
 Total tax liability paid by 30 farm operations receiving Agricultural Assessment in the Town of Dryden -
 \$226,171.*

Source: Tompkins County Assessment Department, 2017

FUTURE PLANS REPORTED BY DRYDEN FARMERS

Dryden farmers (full and part-time) and non-farming agricultural land owners indicate a strong desire to keep their land in agriculture and productive farming into the future. Most have not sold lots for development outside of homes for family members, and of the few lots reported sold, they were typically sold many years ago. Because the dairy sector in Dryden is strong, existing farms are buying, and often competing for, good farmland as it becomes available. Many of the smaller dairy and crop farms have been absorbed by the larger dairies over the years as dairy farm numbers have declined. Farmer and non-farmer owned agricultural land is knit together into a fairly cohesive band of actively farmed land in the eastern half of the town surrounding the Village of Dryden. Dryden has a good base of contiguous farmland under conservation easement, in a location where it serves as an “anchor” for surrounding farmland. Half a dozen farmers plan to buy and/or lease more farmland in the future, if it becomes available.

While many farmers and non-farming agricultural landowners report an intention of passing their land to the next generation, less than half have estate plans in place. Those that do have plans in place tend to be the larger dairy farms. Land owned by those without an heir is considered the most at-risk for being lost for farming in the future. However, when a farmer or agricultural land owner passes away without a well-written estate plan, or even an up-to-date will, the land may become vulnerable, even if there are heirs.

There are a total of 1,266 acres land under permanent easement in the Town of Dryden: 852 acres of farmland, protected through the NYS Purchase of Development Rights program, and 414 acres protected through the Finger Lakes Land Trust.

The continuing availability of land to rent is a source of stress for both dairy and crop farmers of all size operations. With about 30% of the land that is farmed being rented by farmers, there is some level of concern about landowner plans. However, from the landowner survey, there was a strongly stated preference to keep land in farming.

Small and beginning farming enterprises also face uncertainty. Many small farms, including those in Dryden, find it challenging to generate a profit. It is typical that a major effort is expended on the part of owners during the startup years, but if limited progress is made with marketing, covering costs, and building equity, the owners tend to burn out. Some are able to adjust operations until their goals are met which may include covering costs and taxes and raising food for themselves, while others hope to develop a part or full time business that eventually replaces off farm income. Small, part-time livestock and produce farms are less likely to continue beyond the current owners. However, other farms will emerge, therefore it is anticipated that farmland use will remain stable into the future.

KEY CONCERNS VOICED BY FARMERS

Land use policies

- Ag land zoning should not be in conflict with Ag District Law
- More farmer input when zoning changes are being considered
- Active farmland and land attached to it (forests and woodlots, fallow land, waterways, etc.) should not be re-zoned to anything else
- A high level of importance is placed on the NYS Agricultural District Law agriculture assessment to keep taxes manageable but the state exemption levels need to be increased
- Town leadership that is pre-disposed to protecting farming interests, making it possible to continue farming
- Government regulations in general are of concern

Risks to farming operations

- Land: access, competition, increased ag land prices result in higher assessed value and higher cost to acquire more land
- Increasing costs: fuel, taxes, improvements, production, regulatory compliance
- Regulation: increasing State and Federal regulations, local government interference
- Labor issues: finding reliable workers; connecting with young people who want to farm; Federal Immigration and labor policies; changing wage rates
- Economic pressures: staying financially viable, low product prices, access to financing and capital, increasing efficiencies and reducing costs
- Commodities: finding good quality feeds
- Climate change: changing weather patterns
- Infrastructure: roads/bridges with weight limits, undersized culverts, out-dated road drainage systems
- Planning for the future: many of today's issues will be passed to the next generation if not resolved; assuming there is a next generation

Development pressure

- Development should be in clusters to minimize the impact on agricultural land and quality soils
- Development should radiate from an established population center
- Large scale solar developments are a cause for concern and should be directed away from Prime and Soils of Statewide Significance
- Increased residential traffic slows farm equipment movement between fields
- Dryden will continue to attract people wanting a home in the "country". Every new house is another "neighbor" with potential relationship challenges/complaints (smell, dirt on road, farming practices)
- Misinformation and lack of understanding about agriculture practices among general public: farmers are stewards of their land – this needs to be communicated to the public

Demand for good farmland among farmers – Due to the level of farming activity in the town, there is demand among farmers for good quality farmland to own and rent. In recent years, rental rates and the price of farmland in Dryden have increased, contributing to higher operating costs. The increase in prices paid for farmland is driven by larger farm operations that are willing to pay higher land prices because they need more land. Higher value and small scale farming enterprises may be able to afford higher prices for smaller parcels. The demand for land may result in squeezing out middle-sized farms.

Property values – In 2012 Tompkins County Assessment undertook a comprehensive review of agriculture property sales to determine the current value of farmland for assessment purposes. The purpose of the review was to bring agricultural land assessments to 100% fair market value. For the Town of Dryden, farmland sales ranged

from \$3,950 to \$4,000 per acre for three sales. There were also several sales in nearby Groton ranging from \$4,500 to \$5,060. The average farmland selling price in the county was \$2,300. Farmers are concerned about the increase in the assessed value of their properties along with the ability to buy or rent land at a price they can afford. Farming as a business is based on land as its productive resource. If land is not available at a price a farmer can afford, it will likely be taken over by other interests. Agricultural Conservation Easements via Purchase of Development Rights (PDR) may be one way to keep land available and affordable for town farmers. However, the higher prices paid for farmland is making PDR less attractive to farmers, as the difference between agriculture values and development values is shrinking, meaning that farmers are paid less when selling development rights.

Taxes – given the amount of land required to operate a viable farming operation, taxes - even with agricultural assessment and the NYS Farmers School Tax Credit - represent a significant operating expense. Of the five leading agricultural states, NY farmers pay the highest taxes, even higher than California farmers. This means that NY farmers are at a competitive disadvantage given the higher cost of doing business and they are also, therefore, less profitable. Higher taxes and less profit can lead to the loss of farming enterprises and the associated farmland.

Rented land – farmers are uncertain about whether land they are renting today will be available in the future. Rural landowners, even more so than farmers, are impacted by increasing taxes. Those renting land to a farmer and receiving agricultural assessment are less impacted. Most farmers work with landowners they rent from to ensure there is a five-year lease in place as required to qualify for agricultural assessment. Many parcels being rented to farmers are owned by older residents including some that retired from farming but still own their land. A key concern is what will happen to this land once it is transferred to the next generation; will the heirs hold on to the land or will they sell it? Some land may be sold to farmers, but some may be lost to farming depending on the heirs and estate. Estate planning and the sale of development rights may be ways to keep rented land in farming.

Solar Installations – There has been growing pressure from large scale solar firms seeking to lease on open land. Open land is attractive for solar installations because it is easily developed. Lease rates offered by solar companies are often much higher than what farmers can pay to rent land. More accurate information to help land owners make good decisions about solar leasing is needed. NYS Agriculture and Markets has a guidance document, *Guidelines for Agricultural Mitigation for Solar Energy Projects*, which can be found on page 82 in the appendix.

The Next Generation of Farmers – Agriculture depends on future farmers to take over current operations or start new ones. In Dryden, some farming operations have a younger generation or business partners ready to take over, while others have no heirs or transition plan in place. The transition of farming operations to new owners or the next generation will require estate planning. Cooperative Extension and NY FarmNet can link farmers to legal counselors to help move this process forward.

There is an active community of beginning farmers and farming entrepreneurs in Tompkins County. These farming enthusiasts are seeking to raise a variety of crops and livestock on a small scale destined for local markets. Small scale farming can play an important role in the rural economy and could be encouraged by matching beginning farmers with rural landowners or farmers who want to keep their land in farming. Cooperative Extension started Finger Lakes LandLink to foster connections between land owners and land seekers who want to start farming. Additionally, the Sustainable Farming Program at TC3 is another way to link young people interested in farming with existing or new operations.

Economic Realities of Farming – Ultimately, maintaining land in agriculture will depend on the economic conditions and policies that impact farming. Regulations, high taxes, high utility costs, availability of labor, supply and demand, input costs, and market prices all impact the costs and returns. Many farms have expanded to keep up with these realities; however, expansion alone may not address these challenges. Good management and strategic planning is critical. Some farmers have changed production and marketing strategies to reduce costs and generate higher returns. Policies at the local, state and federal level all play a role in agriculture's future. At the

local level, the key policy issues will be land use control and giving priority to agriculture, along with property taxes.

Other Ways to Encourage the Continuation of Farming

As Mentioned by farmers and landowners at meetings and in the surveys

- Encourage in-fill development to stop/slow down housing development in farming areas
- Evaluate the option to lease development rights for a period of time with stipulations
- Evaluate zoning requirements to ensure farmers who want to sell a lot are able to sell the smallest lot possible, and that it can be the least desirable for farming
- Review zoning to ensure active farmland is not zoned residential or conservation
- Ensure existing zoning aligns with NYS Agriculture and Markets Department recommendations

AGRICULTURAL TRENDS AND FUTURE OUTLOOK

Farmers in the Town of Dryden have reflected on what they see as trends and the outlook for agriculture in the town. Given the long history of active agriculture as a dominant land use and economic sector, there is optimism that agriculture will remain viable in the future given protection of high quality soil resources, well managed farming operations, and the availability of farmland for expansion.

Farmland

Farming has been a continuous activity in the Town of Dryden since it was settled. Over its 200+ year history, there has been a shift in farming and farm related enterprises. One major shift was from small plot diversified farming and related processing facilities such as creameries, mills, and tanneries that existed in the late 1800's to early 1900's to more specialized agriculture that emerged mid-20th century and continues today. There has been a long-term trend towards fewer and larger dairy and crop operations and more recently, small farm numbers have been increasing. While there has been overall loss of farm numbers and turnover of ownership, the land in agriculture has remained steady and is increasingly concentrated on better quality soils.

The gain in actively farmed lands as shown in the Land Use Land Cover data from Tompkins County Planning (2012) has been fueled by both large and small farms. Larger dairies are seeking land to comply with regulations for manure spreading; larger dairy herds drive the need for more crop acreage; organic farms are seeking land where conventional inputs have not been used for at least three years; and small specialty farms are emerging on parcels from one to 20 acres.

Historically, there has been a transition in farmland ownership from many small farms to larger dairy and crop farms. Both farm real estate prices and farmland rental prices have increased and there is more competition for land. Some town farmers are buying land at some distance from their home base. When farmers buy land at a distance from their home farm, there is an increased cost to farming.

Another impact of higher farmland prices is that it results in higher assessed values. The overall tax liability for farmers increases even with the benefit of agricultural assessment. Taxes may be a small portion of a large farm's operating costs, but for small farms, it has a big impact on farming profits, cost of living, and overall quality of life for farming families.

Farming Operations

In the Town of Dryden, as farmers have retired, the surrounding farmers have absorbed much of the available farmland. This has resulted in fewer farmers farming more acres spread throughout the town. This historical trend of fewer and larger dairy and crop farms will likely continue.

The transition to organic dairy farming began in early 2000. Currently there is one certified organic dairy in the town, farming three separate farmsteads for a total of around 1,400 acres of land they own or rent in the Town of Dryden, plus about 1000 acres in Cortland County, and a third farmstead in the Town of Groton with about 230

acres. At present, there are no reports of additional dairies planning to become certified. Organic dairies rely on organic crops they grow or buy. Given prices of organic feed, more crop farmers could raise organic crops to meet the needs of organic dairies. In Dryden, there is one crop farmer raising approximately 230 acres of organic hay to supply area dairy farmers, an organic vegetable farm with about 45 acres in production and an organic blueberry u-pick operation.

Livestock beyond dairy is rather diverse, with five sheep and/or goat farms, two beef, three dairy heifer, and 12 equine operations, for a total of about 2,800 owned and rented acres.

While there has not been a strong trend towards small diversified farming in Dryden, there are signs that this is beginning to change. There is a cluster of very small farms venturing into farm product sale along with interest in agri-tourism and agriculture education as part of their farming enterprise.

Ornamental horticulture in Dryden is associated with four farm stand operations. Growth in housing and commercial development creates demand for horticulture product sales and service and generates niche farming opportunities that are less land intensive than dairy farming or agronomic crops.

Dryden has a long tradition of direct market farm stands selling produce they grow and buy. At least 4 operations offer a full season of summer produce and are open on a daily basis. A smaller number of farmers have tried direct marketing from their homes or via the Dryden Farmers Market, now in its 4th season of operating on Saturdays at the Dryden Agway store. Additionally, a small community farmers market was started in Freeville in 2016 and operates on Sunday afternoons. There appears to be good energy behind both markets. Each attracts about 10-12 vendors with a variety of craft and farm products.

Vegetable and berry growing has potential in Dryden. Evidence for this comes from the fact there are, and have been, successful u-pick strawberry and blueberry operations in the town as well as a diverse vegetable operations. A pick your own fruit farm could offer a high value crop opportunity for an enterprising farmer.

There are currently two CSA (Community Supported Agriculture) operations in Dryden: Ithaca Organics, which has a storefront in Freeville, and the new TC3 organic farm has been offering shares to the college community. There may be opportunity for local meat producers to partner with the vegetable CSA's offering an added shopping opportunity for their customers. Interest in local foods is likely to continue as a societal trend as long as local foods are easily obtainable and affordable.

LANDOWNER SURVEY RESULTS

A survey was sent to 35 Dryden non-farming landowners that receive agricultural assessment on land they rent to farmers; 19 returned the surveys (54% return rate). These property owners were asked a variety of questions about their land and what they thought might happen to it in the future. Following is a summary of landowner responses (survey questions can be found in the Appendix).

Like much of the farmer owned land in Dryden, agricultural land that is rented to farmers has typically been in the family for decades. Sixteen (84%) landowners reported their land has been in their family for 30 years or more, and ten (53%) reported their land has been in their family for over 50 years.

The most commonly cited reasons for holding on to agricultural land were to maintain open space (14 responses/74%), for privacy (10 responses/53%) and recreation was somewhat important (5 responses/26%). Income was the least often selected response (3 responses/16%). Eight respondents (38%) provided additional reasons including family, love, inherited it, it's home (two respondents), dislike zoning, garden and nature, and family heritage.

All respondents were reasonably satisfied with their current rental arrangement, with 15 (71%) leaning towards highly satisfied. Most (18) found it relatively easy to find a farmer to rent land, although one reported some difficulty. Thirteen landowners reported renting their land to the same farmer for more than ten years, and eight of these had agreements for twenty years or more. Only one landowner reported that their current rental arrangement was less than five years old. All of the landowners expect to rent their land to a farmer for at least the next five to ten years, and nine (47%) of those expect to rent beyond ten years.

Seven landowners (37%) place no restrictions on farming practices used by farmers renting land. Of the seven (24%) reporting some form of restriction, five involved organic production or no pesticides use; the other two mentioned responsible farming practices such as crop rotation and fertilization.

Fifteen landowners (79%) have never sold land for house lots. Fourteen landowners responded they do not intend to sell house lots in the next five to ten years; five said they didn't know or maybe; however, no one said they were planning to sell land. Profit, the need for supplemental or retirement income, increasing taxes, or building lots for family members were some reasons landowners had sold or might sell house lots. Landowners hope that their land stay agricultural or open space, whether or not it passed to family members, (13 or 68%), and four thought their land would be used for development. Ten (53%) respondents indicated income from the sale of house lots was not important.

Nearly all landowners indicated interest in keeping their land actively farmed and undeveloped (18 or 95%). All landowners said receiving agricultural assessment on rented land is important, and the rental payments they receive were somewhat less important by comparison: 14 (74%) said it was important to very important.

Most landowners (12 or 63%) do not expect to ever farm the land themselves, although three expected to start farming at some point.

When asked about development pressure as a threat to farming in Dryden or to their farmland specifically, most landowners indicated they didn't consider it to be a big problem. Thirteen said it ranked as low to mid-range in general. Most respondents (17/89%) also said nearby development would not be a big influence on whether to subdivide their land.

Landowners indicated interest in the following services/assistance to help manage land:

- Soils, improving hay fields
- Assistance with drainage
- An assessment of woodlot value and management ideas
- Natural gas [two respondents]
- Information about conservation easements
- We have four ponds on our property; I would like to maintain them better
- Find small farmers or beginning farmers to rent
- Information about ways to protect the land into the future

One way to help landowners with these types of questions would be to include information about agencies like Cooperative Extension, Soil and Water Conservation District, NRCS, etc. on the town's web site.

IV. TOWN OF DRYDEN LAND USE POLICIES, PLANS AND PROGRAMS IMPACTING AGRICULTURE

A. Existing Town Land Use Policies

AGRICULTURE AS REFERENCED IN THE TOWN'S COMPREHENSIVE PLAN

The 2005 Comprehensive Plan states that: Agriculture is valued by town residents for its historical importance and its contribution to the scenic and rural character of the town. Support for the protection of agricultural land appears to be strong as evidenced in the goal statement: Promote the long-term economic viability of the agricultural community in the town, and preserve agricultural land resources, without unduly infringing on property rights.

Specific objectives pertaining to this goal include (excerpted from page 33 of the 2005 Comprehensive Plan):

- Adopt land use regulations which grant agriculture primacy in areas zoned for agriculture; recognize the nature of contemporary agriculture in areas designated for agricultural use; and ensure that agriculture and related enterprises are permitted in other areas of the town.
- Direct residential development away from productive agricultural areas to minimize the loss of high quality agriculture lands, fragmentation of agricultural land areas, and conflicts between farm and non-farm residents, using non-regulatory measures where possible.
- Encourage investment in public infrastructure (water or sewer) if necessary for agriculture operations.
- Permit retail and service enterprises that serve the needs of the agriculture community.
- Promote the stewardship of land through practices that minimize erosion, runoff and water pollution.
- Maintain a Town Ag Advisory Committee to review proposals for ordinances that may impact agriculture.
- Promote the use of existing programs to promote farm viability and protect farmland as provided by NYS Dept. of Agriculture & Markets, TCSWCD, and other agencies and organizations.

Further reference to agriculture is made in the plan recommendations (starting on page 49) where it states:

- Agriculture be explicitly permitted by right in all zoning districts
- Recognizes that farms within the Agriculture District are afforded protection from unreasonable restrictions under NYS Ag & Markets Law Section 305.
- Farmers who continue to farm should be provided with whatever support the Town of Dryden can provide.
- The Town of Dryden should establish an Agricultural Land Preservation Program to protect the best agriculture land (page 64, Comp plan). The purpose of such a program would be:
 - Protect the most viable agricultural lands by acquiring agricultural conservation easements to prevent development other than for agriculture.

- Provide agricultural landowners with monetary compensation in exchange for relinquishing their development rights.
 - Encourage long-term commitment to preservation of agricultural land by landowners through financial incentives and stabilization of land use patterns favorable to agriculture.
 - Enhance the economic viability of the town's agricultural economy.
 - Protect farmers and agricultural landowners from incompatible non-agricultural land uses that may render farming impracticable.
 - Concentrate financial resources in a manner that will ensure the purchase of agricultural conservation easements for protection of the largest amount of agricultural land possible.
- Preserve rural historic landmarks such as noteworthy barns (page 65)

TOWN OF DRYDEN RIGHT TO FARM LAW: LOCAL LAW #1 – ADOPTED IN 1992

With this Local Law, the Dryden Town Board affirmed that farming is an important activity in the town that contributes to the quality of life, provides open space, and generates economic benefits. The intent of the law is to preserve the tradition of farming, permit normal farm operations, and encourage the expansion of farms and agricultural businesses. A provision of the law is to provide anyone filing for a permit with the Town Zoning officer a disclosure statement if the property borders a farm. The intent is to make permit applicants aware of farming neighbors and to inform them that farmers have the right to undertake and follow sound agricultural practices. This local law further affirms the right to farm provisions in the NYS Agriculture & Markets Law 25 AA (details follow). Much of the farmland in the town lies within Agricultural District #1 and is therefore protected by both the town and state Right to Farm law provisions. For town farmlands outside of Agriculture District #1, the town Right to Farm Law provides protection for the conduct of normal farming practices.

B. Tompkins County and New York State Land Use Programs, Policies, and Plans in effect in the Town of Dryden

PROTECTED FARMLAND IN DRYDEN

In 2006, the 419-acre Lew-Lin Farm in the Town of Dryden was approved for NYS Farmland Protection Implementation Program funding. Since then two additional Dryden farms were selected for state funding– Jerry Dell Farm (654 acres) on Simms Hill and Wideawake Farm west of the Village of Dryden on Route 13. Of these three farms, both Lew-Lin and Jerry-Dell farm proceeded through the process of extinguishing the development rights on their land. Wideawake Farm experienced complications coordinating the State and Federal funding, and opted out of the program.

Both protected farms are dairy operations. Jerry Dell Farm has continued to expand by purchasing a second farm in Freeville and a third farm in Groton; all farms are organic dairy operations. Jerry Dell is also working with Lew-Lin farm, which provides a succession plan for the farm operation.

Both easements, totaling 1,073 acres (10% of total farmland owned by farmers, 7% of all land owned and rented to farmers), are held by Tompkins County and the County Planning Department has the responsibility for monitoring the easements annually to ensure terms are upheld.

NYS AGRICULTURE & MARKETS LAW 25 AA - AGRICULTURE DISTRICTS

Article 25-AA of the Agriculture & Markets Law authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, county adoption and state certification. The purpose of agricultural districts is to encourage the continued use of farmland for agricultural production. The law provides a combination of landowner incentives and protections designed to forestall the conversion of farmland to non-agricultural uses. Benefits include preferential real property tax treatment (agricultural assessment and relief from special benefit assessment), protection against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices.

The NYS Department of Agriculture & Markets Division of Agricultural Protection oversees the certification of new districts and recertification of existing districts. State certification confirms that a district meets the purposes and intent of the Agricultural District Law and all eligibility criteria described therein. The Tompkins County Agriculture and Farmland Protection Board, along with the full County Legislature, are responsible for creating new districts and conducting reviews of established agriculture districts in the county. A step in the review process is to meet with town boards to ensure that local land use plans and agriculture district boundaries remain compatible. Districts are reviewed by the county every 8 years at which time properties can be removed or added (the state certifies all changes for district continuation). Properties can be added to districts annually but removed only during the 8-year review.

Tompkins County Agriculture District #1

The process of forming an agricultural district begins when farmers with a combined total of 500 acres or more petition the County Legislature for district designation; subsequently the district is reviewed and certified by NYS Dept. of Agriculture & Markets and the NYS Dept. of Environmental Conservation (DEC).

Dryden farmers from the area between Dryden and Freeville were the first in the county to petition the legislature to create an agricultural district in the town in 1971. The impetus for the district creation came from talk of re-routing NYS Route 13 through some of the town's most active farmland. Additional Dryden farmland was added as other agricultural districts were created in Groton and Caroline.

In 1981, the Tompkins County legislature combined District 1, Districts 3 (east side of Groton), 4 and 7 in Lansing, and 8 in Caroline. The new larger Agricultural District #1 includes most of the farmland in the eastern half of Tompkins County in the Towns of Lansing, Groton, Dryden, Caroline, Ithaca and Danby. District #2 includes farmland in the western half of the county.

Agricultural District #1 (Map 7 Appendix) includes 25,063 acres of farm and rural non-farm land in the Town of Dryden or about 24% of total of 102,819 acres in the entire District #1. The district was last reviewed in 2012 and farm data from that review was used compiling the Dryden Farm Profile (section III of this report).

In 2012, in the Town of Dryden, there were ten parcels with a combined total of 819 acres added to the District and 36 parcels with a combined total of 168 acres removed from the District (these were mostly small residential lots). All properties removed were in the south-central part of the town and were removed because there was little associated agricultural activity on the property or nearby.

It is the practice of the Tompkins County Agriculture & Farmland Protection Board (AFPB) to meet with town boards during the eight-year review of agricultural districts. The purpose is to identify properties to include or remove from the district so that the agriculture district remains compatible with town plans while protecting farms and farmland. For the Town of Dryden, the AFPB strongly endorses actions that protect the important active agricultural areas and soil resources found in the northeastern portion of the town. The AFPB also acknowledges that large farms are less common in the southern part of the town, and that there are many areas

throughout the town appropriate for small scale farming. Having small farms in proximity to residential development can provide fresh local foods to consumers via Pick-Your-Own, Community Supported Agriculture (CSA), farm stands, or for sale at farmers markets.

It is the goal of AFPB to ensure that active farms, regardless of their location, benefit from the provisions of the agricultural district law. Therefore, if an active farm is located within a developing area of a town, the AFPB generally recommends keeping it in the agriculture district. It is also the practice of AFPB to include both agricultural and rural non-farm land in an agriculture district where agriculture is the dominant land use such as in the northeastern part of Dryden.

Tompkins County Agriculture Resource Focus Area Plan (ARFA)

The purpose of the Tompkins County ARFA Plan (2010) is to present a county-wide approach for long-term conservation of farmland resources. The plan reflects conditions of each focus area; identifies impediments, opportunities, and resources for the farming community; and suggests conservation and management tools to ensure the future viability of these important agricultural resources and to help farming prosper in these areas. [See Map 8 in Appendix]

The six ARFA's are located across Tompkins County, in the Towns of Lansing, Groton, Dryden, Caroline, Newfield, Enfield and Ulysses. For the County Planning ARFA document visit:

<http://tompkinscountyny.gov/planning/rural-resources-arfa-plan>.

The Northeast Agricultural Resource Focus Area which includes agricultural land in the Town of Dryden is composed of 25,234 acres which includes 11,140 acres within the Town of Dryden. This area has experienced an increase in actively farmed land in the last 12 years. The increase is driven by demand for farmland by the larger farm operations in Dryden, Groton, and in Cortland County and by organic farming operations bringing inactive farmland back into production. According to the County's ARFA report; *"this is significant and speaks to the area's strength as an agricultural economic engine especially in the face of increasing development pressure"*.

Data compiled by the Tompkins County Planning Department provides an interesting comparison among the agricultural resource focus areas (see summary table that follows on page 29). First, it is significant to note that agriculture in the county has become concentrated on prime soils or soils of statewide significance (SOSS). The following table shows that the Northeast Area has one of the highest percent of soils of statewide significance compared to all other areas. Also, dairy remains dominant in the Northeast and North Lansing-West Groton focus areas which are contiguous with the significant and large dairy industry in Cayuga County.

Tompkins County Agriculture & Farmland Protection Plan

Tompkins County prepared an updated county Agriculture and Farmland Protection plan in 2015. The county has no land use control authority, hence the recommendations are focused more broadly on protecting farmland and improving farm viability. The plan places priority on protecting agricultural land within the ARFA's and that is located within the county's two agricultural districts. Specific goals of the County's plan are focused on: agricultural economic development, local foods, farmland protection, agricultural awareness, environmental conservation, and future farmers. It is the responsibility of the County Agriculture and Farmland Protection Board to further the goals in this plan and to coordinate with towns to ensure that mutual goals are arrived upon.

AGRICULTURAL RESOURCE FOCUS AREA (ARFA) STATISTICAL SUMMARY TABLE

	Northeast	North Lansing/ West Groton	Northwest	Benjamin Hill	Pony Hollow	Six Mile Creek	TOTAL
Total ARFA Acreage	25,234	21,680	21,522	2,155	1,930	4,774	77,295
# of Farm Operations	59	52	67	12	4	19	213
Total Farm Operation Acres (active+inactive agricultural land)	16,590	15,467	13,197	1,584	1,702	3,389	51,929
Average Farm Operation Size (acres)	281	297	197	132	426	178	<u>AVERAGE</u> 244
% Total of ARFA in Active Agriculture, 2007	52%	55%	49%	56%	44%	47%	<u>AVERAGE</u> 52%
% Loss of Agriculture Land (active + inactive), 1969-2007	24%	16%	23%	19%	9%	25%	<u>AVERAGE</u> 21%
% Owned; % Leased Farm Operation Acres	72% owned; 28% leased	66% owned; 34% leased	78% owned; 22% leased	56% owned; 44% leased	100% owned; 0% leased	55% owned; 45% leased	<u>AVERAGE</u> 71% owned; 29% leased
% Prime Soils; % Soils of Statewide Significance (SOSS)	9% Prime; 57% SOSS	43% Prime; 22% SOSS	35% Prime; 30% SOSS	1% Prime; 73% SOSS	37% Prime; 28% SOSS	21% Prime; 40% SOSS	<u>AVERAGE</u> 27% Prime; 38% SOSS
Estimated # Dairies	30	23	3	3	1	3	63

Source: Tompkins County Conservation Plan (April 2010) – Part II – A Strategic Approach to Agricultural Resource Stewardship – <http://www.tompkins-co.org/planning/Rural%20Resources/ARFAPlan.htm>

DEFINITIONS:

Prime soils – have the best combination of physical and chemical characteristics for agricultural production with minimal inputs of fertilizer, lime, etc. to produce highest and best yields for viable agriculture. Prime soils are characterized by having high lime, high nutrient supply capacity, good structure/texture, well drained (or when artificially drained), flat to gently sloping, and significant depth before reaching bedrock.

Soils of Statewide Importance – land which is deemed suitable for agricultural production when appropriate management practices are applied.

For exact definition, see: <http://www.law.cornell.edu/cfr/text/7/657.5>

NYS Agriculture & Markets Law, Section 305a - Agriculture Districts Key Provisions of the Law

Agricultural Assessment

One of the most important benefits of the NYS Agricultural Districts Program is the opportunity for farmland owners to receive real property assessment based on the value of their land for agricultural production rather than its development value. The Department of Agriculture & Markets uses a Land Classification System based on soil productivity to calculate agricultural values for individual parcels. Farmers qualify for Agricultural Assessment if they operate 7 acres or more that has been farmed for 2 years, and generate \$10,000 in agricultural product sales. Landowners qualify for agricultural assessment on land they rent to a farmer if they have a written 5-year lease with a farmer who qualifies for agricultural assessment. To receive the exemption, farmers and landowners renting land to farmers fill out a soils worksheet (with the Soil & Water District) to classify their soil and then apply each year by April 1 with the County Assessment Department.

Notice of Intent

The NYS Agricultural District Law places a mandate on state agencies, local governments, and public benefit corporations to avoid or minimize adverse impacts to farm operations when pursuing projects within an agricultural district that involve either the acquisition of farmland or the advance of public funds for certain construction activities. Agriculture & Markets staff conducts detailed reviews of Notice of Intent documents provided by project sponsors and recommends mitigated action where necessary. Such projects cannot proceed until the Notice of Intent process is completed.

Restrictive Local Laws

The NYS Agricultural District Law protects farmers against local laws which unreasonably restrict farm operations located within an agricultural district. Agriculture & Markets staff, together with department legal staff, review both existing and proposed laws to determine if they are compatible with Ag District Law. In cases where a local law is determined to be unreasonable, staff works with local government to develop mutually acceptable modifications. If a local government is unwilling to modify a restrictive law, the Department is authorized to take action to compel compliance with NYS Agricultural District Law.

Sound Agricultural Practices

The NYS Agricultural District Law also authorizes the NYS Agriculture Commissioner to issue opinions, upon request, concerning the soundness of specific agricultural practices. If the Commissioner determines that a practice is sound, it shall not constitute a private nuisance. In order for a practice to be considered sound, it must be legal, not harmful, necessary and supported by expert guidance or opinion. Cornell Cooperative Extension educators or Soil and Water District staff may be called upon to issue an opinion regarding sound practices.

Agricultural Enterprise Determinations

Under Section 308(4), the NYS Agriculture Commissioner is authorized to issue an opinion on whether particular land uses are agricultural in nature.

V. Town of Dryden Zoning Law Review and Recommendations

INTRODUCTION

This section was written by George R. Frantz, AICP, ASLA, hired to conduct a review of current town zoning for conformance with NYS Agriculture and Markets Law and to identify areas for strengthening the zoning protections for agriculture. The Town Agriculture Committee accepted this report but the recommendations that follow have not been endorsed by the committee and it is anticipated that in the coming year, each recommendation will be reviewed and further developed in concert with the Town Planning Board. It is enclosed in this document for information and consideration but it is not a recommendation of the Agriculture Committee.

The purpose of this review is to identify current zoning strategies that impact agriculture and to identify options for strengthening farmland protection or minimizing adverse impacts of zoning on agriculture in the Town of Dryden.

For the purpose of this report agriculture is defined as: the use of land, buildings, structures, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the Agriculture and Markets Law Article (AML) 25-AA, Section 301. Historically agriculture has included a variety of disciplines aside from fruit, vegetable and crop production and livestock raised for food. In this report animal husbandry, or the breeding of specific animals for use or sale (e.g. race horses), beekeeping, aquaculture (fish production), horticulture, floriculture and silviculture are also considered agricultural pursuits.

Agriculture and farming, and agricultural operations/enterprises and farms, are considered to be interchangeable terms in this report.

This section focuses on three areas of the Town of Dryden Zoning Law as it relates to agriculture in the Town of Dryden:

- A. permitted (and not permitted) land uses
- B. zoning dimensional requirements
- C. zoning definitions

CONFORMANCE WITH NYS AGRICULTURE AND MARKETS LAW

The Agriculture and Markets Law (AML) Section 305-a provides farmers and agricultural operations located with State agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law. Because many of the farms in the Town of Dryden are located within a state agricultural district, they are afforded the protections available through Section 305-a.

In 2002 the NYS Legislature amended Town Law Section 283-a to require local governments to ensure that their laws, ordinances or other regulations that might apply to agricultural operations located in State certified agricultural districts do not "...unreasonably restrict or regulate farm operations in contravention of Article 25-AAA of the Agriculture and Markets Law, unless it can be shown that the public health or safety is threatened."

Generally, questions that municipal officials should ask when assessing the application of zoning regulations to agriculture include:

1. Do the regulations materially restrict the definition of farm, farming operations or agriculture in a manner that conflicts with the definition of "farm operation" as set forth in AML Sect. 301(11)?
2. Do the regulations materially limit or prohibit the production, preparation or marketing of any crop, livestock or livestock product?
3. Are certain types of agriculture subject to more intensive review or permitting process than other types of agriculture?
4. Is any agricultural activity that meets the definition of "farm operation" as set forth in AML Sect. 301(11) subject to special permit, site plan review or other local review standard above ministerial review, or subject to a more intensive level of review than other uses permitted within the same zoning district?
5. Are farm operations treated under the local zoning regulations as integrated, interdependent uses and activities, or as independent, competing uses of the same property?
6. Do the local zoning regulations relegate any farm operations located within a State agricultural district to the status as "nonconforming use?"

The Commissioner of Agriculture and Markets is empowered to initiate a review of local land use regulations as they may affect farm operations within a State agricultural district, either independently or upon the request of a farmer or municipal official within an agricultural district. The Department of Agriculture and Markets will review the regulations to assess whether the local law or ordinance is unreasonably restrictive on its face and whether it is unreasonably restrictive when applied to a particular situation. The Department must also assess whether the regulated activity also poses a threat to public health or safety.

If the Department of Agriculture and Markets determines that a local law or ordinance does impose an unreasonable burden on farm operations within a State agricultural district, it will notify the municipality of its findings. The Department will then work with municipal officials to bring the local regulations in line with the AML. If the issue cannot be resolved through negotiation, the Commissioner is authorized under the law to bring an action against the municipality to enforce the provisions of Section 305-a.

ZONING LAW ANALYSIS AND RECOMMENDATIONS

A. Permitted Uses

The Town of Dryden is divided into 9 zoning districts outside the hamlet of Varna, each with a range of permitted land uses. The zoning districts are:

1. CV - Conservation District. The purpose of this zoning district is to protect areas of the town that contain a variety of ecological and open space assets that warrant protection from intensive development. Agriculture is an allowed use in this district.
2. H – Hamlet District. The purpose of the Hamlet (H) District is to allow mixed-use development in keeping with the character of a small hamlet. The Hamlet District encourages new development and redevelopment, including townhouses, single- and two-family dwellings, small apartment buildings, and mixed use (residential/commercial) buildings. Agriculture is an allowed use in this district.
3. LIO - Light Industrial / Office District. This zoning district permits light industrial and warehousing enterprises, office buildings and administrative operations and service enterprises, or research and development enterprises. Agriculture is an allowed use in this district.
4. LIO-A - Light Industrial / Office / Adult Use District. This district is to accommodate “adult uses” in an appropriate location in the town. In addition to “adult uses,” all other uses permitted within the Light Industrial/Office District are permitted within the Light Industrial/Office/Adult Use District, including agriculture.
5. LSRDD - Large Scale Retail Development District. This zoning district is to accommodate large-scale retail development where appropriate. This district is not mapped, but may be proposed on any property, not located in the Tompkins County Agricultural District 1, along a State or County Public Highway.

6. MC – Mixed Use Commercial District. The Mixed Use Commercial (MC) District allows a mix of retail and service businesses, office buildings and research and development businesses. Agriculture is an allowed use in this district.
7. NR - Neighborhood Residential District. The Neighborhood Residential (NR) District identifies established neighborhoods that are situated in a rural landscape and constitute the primary land use. Agriculture is an allowed use in this district.
8. RA - Rural Agricultural District. The Rural Agricultural (RA) zoning district is to accommodate agricultural uses and associated natural areas protection. Agriculture is recognized as the primary land use; however, the district permits a wide variety of non-agricultural uses, including auto repair shops, car washes, conference and retreat centers, inns, retail stores and professional offices.
9. RR - Rural Residential District. The Rural Residential (RR) zoning district defines areas of the town where residential uses situated in a rural landscape constitute the primary land use. Agriculture is also permitted.
10. TNDO - Traditional Neighborhood Development Overlay District. The Traditional Neighborhood Development Overlay District (TNDOD) provides development alternatives for landowners located at the periphery of villages and in hamlets. Utilizing incentive zoning authority in Town Law, land in the overlay district can be developed more intensively, and with mixed uses, in return for specified public benefits and the incorporation of Traditional Neighborhood Design (TND) principles in the design of sites and structures.

The various land uses permitted in the Town of Dryden fall into three general categories: permitted as of right; permitted with approval of a site plan; or permitted upon the approval of a special use permit. Uses permitted as of right are land uses that may require a building permit but usually no further review by a town body.

In some cases, however the proposed use may be subject to site plan approval by the Planning Board. The intent of site plan approval should be to ensure that 1) the proposed development conforms to the minimum requirements of the zoning law; 2) the proposed development meets minimal design requirements to ensure the health and safety of the general public entering and using the premises; and 3) under the provisions of NY SEQR, ensure that potential significant adverse environmental impacts are identified and mitigated. Since a site plan approval by a planning board is considered a discretionary action, it is subject to SEQR.

Those land use activities subject to special use permit are generally more intense land uses that, depending on their location and scale, may have specific negative impacts on surrounding properties, or on public infrastructure such as streets and highways. The special use permit review is similar to site plan review; however, the town also has the authority to impose reasonable conditions on the proposed development that will mitigate the impacts identified in the review process. Special permit reviews are also subject to SEQR.

The NYS Department of Agriculture and Markets opposes site plan review and special permit review for the construction of on-farm buildings and the use of land for agricultural purposes within any State certified agricultural district. In the opinion of the Department, agricultural uses in an agricultural district are constitutionally recognized land uses which are protected by AML §305-a. The State however does recognize that some agriculture-related land uses do warrant site plan review. As noted above, those land uses that are open to the general public may warrant site plan review to ensure the health and safety of the general public entering and using the premises.

Table 1 below shows the permitted land uses in the Town of Dryden, by zoning district. Yellow highlighting indicates an identified issue or conflict with regard to agriculture and zoning. Because they contain the bulk of the agricultural lands in Dryden, the focus of this report is on three zoning districts: Rural Residential (RR), Rural Agricultural (RA), and Conservation (CV) districts.

The following are the issues identified:

1. Automotive Salvage Junkyards are permitted in the RA and CV, with a special use permit. These uses are industrial uses with the potential for soil and groundwater contamination. They can utilize large parcels of land better suited to agriculture. They should be removed as permitted uses in the RA and CV zoning districts, and limited to LIO and LIO-A light industrial zoning districts.
2. Automotive Towing Services are permitted in the RA zoning district with a special use permit. This type of land use can compete with agriculture for productive farmland and should be limited to commercial and industrial zoning districts.
3. Boarding Houses are permitted with a special use permit in the RA zoning district. This type of business can compete with agriculture for productive farmland, but just as importantly, is sensitive to byproducts of agricultural operations such as noise, odors and dust.
4. Car Washes can compete with agriculture for productive farmland, but also should be located close to their customer base, generally in a village or hamlet of commercial area.
5. Industry/Light is not permitted in the RR, RA and CV zoning districts. Although this prohibition may be appropriate for the RR and CV zoning districts, not permitting some form of light manufacturing in the RA zoning district may preclude small food processing and other types of light manufacturing that can boost farm viability. This issue could be addressed by adding a new land use category – Industry/Agriculture, defined in a manner to limit such enterprises in scale and types of products.
6. Inn businesses are permitted in the three zoning districts with a special use permit. Although on a small scale an inn may fit well with a rural setting, there is no limit in the zoning definition for “Inn” on the maximum size of such an establishment. The definition should have some limit in terms of number of rooms/guests permitted. By limiting the size of to being a relatively small-scale enterprise, such uses could also be limited to site plan review.
7. Nursery/Greenhouse, Retail enterprises are permitted with site plan approval in the RA zoning district, but require special permit approval in the RR and CV zoning districts. Greenhouses are considered to be on-farm buildings and the use of land for agricultural purposes, including the sale and processing of agricultural product under the Ag & Markets Law. They should thus be permitted in the RR and CV zoning districts with just site plan approval. One approach that would both permit such uses in these two districts and better protect adjacent properties would be to add specific design standards, including additional setback requirements, to Article 8 – Standards and Requirements for Certain Uses in the Zoning Law.
8. Restaurant is a use permitted with a special use permit in the RR and RA zoning districts, and Retail Business is permitted with special use permit in the RA zoning district. Unless part of an agri-tourism enterprise, these types of businesses should not be permitted within these zoning districts. They can adversely impact established rural residential neighborhoods, and contemporary agricultural operations may be incompatible with such businesses. These types of businesses, as part of a larger agricultural operation/agri-tourism enterprise can be accommodated by adding an agri-tourism as a permitted use with site plan approval. Specific design standards, including additional setback requirements, should be added to Article 8 – Standards and Requirements for Certain Uses in the Zoning Law to ensure these businesses do not impact surrounding properties.
9. Congregate Care Facilities are facilities providing residential care and services for persons who may require assistance with daily activities and are permitted in the RR, RA, and CV zoning districts. Given the scale of such facilities, the amount of land they may cover, and their reliance in many cases on public water and sewer service, they are best suited within more developed areas of the town. Another issue is the potential impact of agricultural operations (dust, noise, odor) on the residents of such facilities, if they were located in an active agricultural area.
10. Dwelling, Multi-Family residential development, Manufactured Home Park development, Senior Housing, Family and Senior Care Facilities are permitted use with a special use permit in the RR and RA zoning

districts. In addition to the potential loss of productive agricultural land, these types of relative intense land uses within active agricultural areas can be negatively impacted by agricultural operations due to the dust, odors and noise that they can generate.

11. Recreational Facility, Amusement, Recreational Facility, Athletic, and Recreational facility, Motorized are permitted with a special use permit in the RA and CV zoning districts. These uses can compete for productive agricultural land with farmers. Amusement parks and athletic facilities can also be negatively impacted by agricultural operations due to the dust, odors and noise that they can generate.
12. Commercial Horse Boarding Operation is not listed as a permitted land use. Although included in the definition of “Farm Operation,” such enterprises have impacts that differ from farm operations, including traffic impacts due to their public nature. Also the definition should be revised to add “riding lessons, including trail riding activities or training horses...” to better conform to the Agriculture and Markets definition. Because they are generally open to the public, they may also warrant site plan review, subject to standards that would include adequate provisions for handling the manure waste generated.
13. Farm Market is not listed as a permitted use in the town. A farm market is a distinctive retail enterprise that can enhance the economic viability of farms. Unlike a seasonal farm stand, a farm market is generally housed in a permanent structure and may operate year-round. As a result it may also feature purchased fruits and vegetables, sales of baked goods, processed foods, plants and landscape materials, and agriculture-related dry goods. The key is to define a farm market in a manner that distinguishes it from generic retail businesses (See Definitions section below). Farm markets have the potential to generate traffic and other impacts, and as a result farm markets should be subject to site plan review.
14. Another issue with regard to permitted uses is that there are no provisions to permit agricultural tourism in the Town of Dryden. The Zoning Law does permit a land use referred to as “agriculture-related enterprise,” but the definition does not appear to cover agricultural tourism. The town may want to consider adding agricultural tourism to the Business Group of permitted land uses and add a definition to the zoning regulations. An example of a definition for agricultural tourism can be found on page 50. Site plan approval is an appropriate tool that can ensure that the health and safety of the general public and patrons of an agricultural tourism operation is protected, and to ensure that adequate facilities for parking and safe ingress and egress from public highways are provided.
15. Farmworker housing is not listed as a permitted use in the town. Farmworker housing is generally considered an accessory use to an agricultural operation, and should be listed as a Permitted Use in the Allowable Use Groups Chart, in the NR-Neighborhood Residential, RR-Rural Residential, RA-Rural Agricultural Conservation and H-Hamlet zoning districts. With the trend in acquisitions of smaller farms and consolidation of farm operations, often the leftover farm houses are re-purposed as farmworker housing. Because these houses are located on a tax parcel separate from the main farm operation, their use as farmworker housing would not qualify as an accessory use under New York zoning law and practice. Hence listing them as an accessory use in the Zoning Law could be too restrictive. Definition language should be crafted in a manner to ensure that any housing described as “farmworker housing” will be an accessory use to an active farm operation, regardless of whether it is on the same parcel, or a separate parcel.

Table 1. Permitted Land Uses

NOTE: This table is for planning use only and not an official listing of land uses. Consult the Town of Dryden Zoning Law for official list.

Legend: P = Permitted; SUP = Special Use Permit; X = Not permitted

Yellow shading indicates potential zoning issue identified in text

USES	NR - Neighborhood Residential	RR - Rural Residential	RA - Rural Agricultural	CV - Conservation	H - Hamlet	MC - Mixed-Use Commercial	LIO, LIO-A - Light Industrial/ Office
AGRICULTURAL GROUP							
Agricultural Use	P	P	P	P	P	P	P
Farmstand	P	P	P	P	P	P	P
BUSINESS GROUP (All Permitted uses subject to Site Plan Approval)							
Adult Use	X	X	X	X	X	X	SUP
Agriculture-Related Enterprise	X	SUP	P	P	X	P	SUP
Artist Studio/Craft Workshop	X	P	P	P	P	P	P
Automotive Repair Garage	X	X	SUP	SUP	SUP	SUP	SUP
Automotive Sales	X	X	X	X	X	SUP	SUP
Automotive Salvage and Junk Yards	X	X	SUP	SUP	X	SUP	SUP
Automotive Towing Service	X	X	SUP	X	SUP	SUP	SUP
Bed-and-Breakfast Establishment	X	P	P	P	P	P	SUP
Boarding House	X	SUP	SUP	X	SUP	X	X
Campground	X	SUP	SUP	SUP	X	X	X
Car Wash	X	P	P	P	X	SUP	P
Contractor's Yard	X	SUP	SUP	P	X	P	P
Day Care Center, Child	X	SUP	SUP	X	P	P	P
Drive-Through Facility	X	X	X	X	X	SUP	SUP
Gasoline Station	X	X	X	X	SUP	SUP	SUP
General Office Building	X	X	X	X	SUP	P	P
Hotel/Motel	X	X	X	X	SUP	P	SUP
Industry, Light	X	X	X	X	SUP	P	P
Industry/Manufacturing	X	X	X	X	X	SUP	SUP
Inn	X	SUP	SUP	SUP	SUP	P	X
Kennel	X	SUP	SUP	SUP	X	SUP	X
Large Scale Retail Development	X	SUP	X	X	SUP	SUP	SUP
Mining	X	X	SUP	SUP	X	X	SUP
Nursery/Greenhouse, Retail	X	SUP	P	SUP	SUP	P	X
Professional Office	X	SUP	P	SUP	P	P	P
Restaurant	X	SUP	SUP	X	SUP	P	SUP
Retail Business	X	X	SUP	X	SUP	P	P
Retail Shopping Centers/Plazas	X	X	X	X	SUP	SUP	X
Retreat or Conference Center	X	SUP	SUP	SUP	SUP	SUP	X
Self-Storage	X	X	X	X	X	SUP	SUP
Service Business	X	SUP	SUP	X	SUP	P	P
Theater	X	X	X	X	SUP	P	P
Warehouse	X	X	X	X	X	SUP	P

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Legend: P = Permitted; SUP = Special Use Permit; X = Not permitted

Yellow shading indicates potential zoning issue identified in text

USES	NR - Neighborhood Residential	RR - Rural Residential	RA - Rural Agricultural	CV - Conservation	H - Hamlet	MC - Mixed-Use Commercial	LIO, LIO-A - Light Industrial/ Office
RESIDENTIAL GROUP							
Bed-and Breakfast Home	P	P	P	SUP	SUP	P	X
Congregate care Facility	X	P	P	P	P	P	X
Day Care Home, Family	P	P	P	P	P	P	X
Day Care Home, Family Group	P	P	P	P	P	P	X
Dwelling, Accessory Unit	P	P	P	P	P	P	X
Dwelling, Multi-Family	X	SUP	SUP	X	SUP	SUP	X
Dwelling, Single-Family	P	P	P	P	P	P	X
Dwelling, Two-Family	X	P	P	P	P	P	X
Dwelling, Upper-Floor Apartment(s)	X	X	X	X	SUP	SUP	X
Elder Cottage	(1)	(1)	(1)	(1)	(1)	(1)	X
Home Occupation, Level 1	P	P	P	P	P	P	X
Home Occupation, Level 2	X	SUP	SUP	SUP	SUP	SUP	X
Manufactured Home	X	P	P	P	SUP	SUP	X
Manufactured Home Park	X	(2)	(2)	X	(2)	(2)	X
Mobile Home	X	X	X	X	X	X	X
Senior Housing, Family	SUP	SUP	SUP	SUP	SUP	SUP	X
Senior Care Facility	X	SUP	SUP	X	SUP	SUP	X
Workshop/Garage Non-Commercial	P	P	P	P	P	P	P
COMMUNITY GROUP (All permitted Uses subject to Site Plan Review)							
Cemetery	X	P	P	P	P	P	P
Educational Use	X	SUP	SUP	SUP	SUP	SUP	X
Library	X	SUP	X	X	SUP	SUP	X
Lodge or Club	X	SUP	SUP	SUP	SUP	P	X
Municipal Use	P	P	P	P	P	P	P
Public Safety Use	X	SUP	SUP	SUP	SUP	SUP	SUP
Public Utility	X	SUP	SUP	SUP	SUP	SUP	SUP
Religious Institution	SUP	SUP	SUP	SUP	SUP	SUP	SUP
RECREATIONAL GROUP							
Recreation, Active	X	SUP	SUP	SUP	SUP	SUP	SUP
Recreation, Passive	P	P	P	P	P	P	P
Recreation Facility, Amusement	X	X	SUP	X	X	SUP	SUP
Recreational Facility, Athletic	X	SUP	SUP	SUP	SUP	SUP	SUP
Recreational Facility, Motorized	X	X	SUP	SUP	X	X	X

(1) Per Sect 1305 elder cottages shall be permitted as accessory uses, subject to site plan review.

(2) Maunufactured Home Parks are permitted with Special Use Permit only in areas with public water and sewer service

B. Zoning Dimensional Requirements

The lot size requirements in a local zoning law can have implications for agricultural operations. The area and bulk regulations set forth in Section 600 appear to be reasonable and are not likely to unnecessarily burden agricultural operations in the Town of Dryden (Table 2). For agricultural uses permitted by right the town has not established additional setbacks for farm buildings or structures, nor do they restrict the size of type of agricultural buildings or structure. Section 603 specifically exempts agricultural buildings from the height restrictions of the Zoning Law.

The Zoning Law also permits flag lots, and some flexibility in terms of smaller lots sizes should the land owner utilize conservation subdivision designs that can protect valuable farmland.

Table 2. Area and Bulk Regulations							
NOTE: This table is for planning use only and not an official listing of land uses. Consult the Town of Dryden Zoning Law for official list.							
USES	NR - Neighborhood Residential	RR - Rural Residential	RA - Rural Agricultural	CV - Conservation	H - Hamlet	MC - Mixed-Use Commercial	LIO, LIO-A - Light Industrial/ Office
Minimum lot area with public sewer & water facilities	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf	10,000 sf
Minimum lot area without public sewer & water facilities	1 acre	1 acre (1)	1 acre (1)	1 acre	1 acre	1 acre	1 acre
Minimum front yard setback	50 ft	50 ft	50 ft	50 ft	10 ft	40 ft	40 ft
Minimum side yard setback	15 ft	15 ft	15 ft	15	0 or 7.5 ft if buildings are not attached	0 or 7.5 ft if buildings are not attached	15 ft
Minimum side yard setback, accessory structure less than 15 height & less than 200 sq. ft. area	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft
Minimum rear yard setback	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Minimum side yard setback, accessory structure less than 15 height & less than 200 sq. ft. area	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft	1 ft
Minimum Lot Frontage	150 ft	250 ft	250 ft	250 ft	50 ft	150 ft	150 ft
Minimum lot width	100 ft	100 ft	100 ft	100 ft	50 ft	125 ft	125 ft
Maximum lot coverage	25%	25%	25%	15%	50%	60%	60%
Maximum building height	35 ft (2)	35 ft (2)	35 ft (2)	35 ft (2)	35 ft (2)	35 ft (2)	35 ft (2)
(1) Except for major subdivisions. See Sect. 604 of Zoning Law							
(2) Per Sect. 603 farm structures are exempt from the 35 ft height restriction.							

C. Definitions Pertaining to Agriculture

The definitions of various terms used in the zoning regulations are a critical component in any set of zoning regulations. Given of the nature of zoning, clarity is critical to ensuring fair and consistent interpretation of the regulations, promoting efficient administration of zoning laws, and positive public perceptions with regard to local zoning. Good definitions can also protect local government against controversy and in some cases expensive litigation.

A number of issues related to agriculture have been identified in the Article 3 - Definitions section of the Zoning Law. Overall the definitions related to agriculture in the town are comprehensive and well-written. There is however some room for improvement:

1. There is no definition for agri-tourism in the Town of Dryden Zoning Law. The definition should be crafted in a manner that: 1) describes the land use activities envisioned as part of an agri-tourism enterprise; 2) protects the town from unanticipated ones; but 3) permits some flexibility in interpretation.

An example of a definition for agri-tourism is:

“Recreational, educational and entertainment activities operated in conjunction with and subsidiary to an active farm operation, as part of an overall direct marketing strategy that contributes to the production, preparation and marketing of crops, livestock and livestock products, and including activities such as petting zoos, hayrides, corn mazes and other such recreational activities, educational demonstrations, the onsite processing of foodstuffs and sale of prepared foods comprised primarily of ingredients produced on the premises for consumption on site and off site.”

The above definition provides for the types of retail and food service activities typically found at wineries and other agri-tourism destinations and ties them to an active farm operation. It thus eliminates the need to permit land uses such as the generic “retail businesses” and “restaurants” currently permitted in the Rural Residential and Rural Agricultural zoning districts.

Agri-tourism enterprises are designed to attract the general public. They also have the potential to grow into major businesses that may attract large numbers of people and heavy traffic, particularly for occasional special events. Site plan approval is a mechanism by which the town can ensure that the health and safety of the general public and patrons of such businesses is protected, ensure that adequate facilities for parking and safe ingress and egress from public highways are provided, and that potential adverse impacts of such businesses or large events are mitigated.

2. The definition of Commercial Horse Boarding Operation should be revised to eliminate the seven acre, 10 horse and \$10,000 minimum gross receipts. While relevant with regard to eligibility for agricultural assessment – a State program - these minimums have no relevance with regard to land use planning, or managing development.

3. If Farm Market is added as a permitted use then there should be a definition for this use in the Zoning Law. A suggested definition is: “A permanent structure and accessory use to an existing agricultural operation, with or without appurtenant open display area, for the retail and wholesale sale of agricultural produce and other natural, processed or manufactured food products which are directly linked to and promote the use and sale of agricultural products.”

4. The definition for Timber Operation should be revised to eliminate the seven acre and \$10,000 minimum gross receipts requirements. While relevant with regard to eligibility for agricultural assessment – a State program, these minimums have no relevance with regard to land use planning, or managing development. The definition could simply read: “The on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.”

5. The Zoning Law does not define “horticultural nursery.” It also does not distinguish such uses from Nursery/Greenhouse uses, the definition of which is “A retail establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed structure.” It may be appropriate to simply drop “horticultural nursery” and use the existing “nursery/greenhouse” definition.

6. There is no definition of Farm Worker Housing. NYS Ag District Law includes on-farm buildings as part of a farm operation, and Ag and Markets identifies farm worker housing as an on-farm building. Ag and Markets guidance document “Guidelines for Review of Local Laws Affecting Farm Worker Housing” defines farm worker housing as “Housing, including manufactured housing, used for the on-farm housing of permanent or seasonal employees”. Further, since Ag and Markets definition of a farm operation includes “...farm operations may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.”

7. Finally, the definition for “agricultural use” directs persons to the definition for “farm operation.” Historically “agriculture” has served as the all-encompassing term for the activities, facilities and practices that contribute to the production, preparation and marketing of food and fiber from the land. The Zoning Law can better reflect this by replacing “farm operation” with “agriculture,” and eliminating “agricultural use.”

D. Other Issues Identified

Small Wind Energy Systems (SWECs) are covered under Local Law #5 of 2006, the Renewable Energy Facilities Law. Although permitted in all zoning districts on any lot meeting the minimum size requirements necessary to provide the minimum required setbacks, three issues related to SWECs and agriculture stand out:

- 1) A special use permit is required for any SWEC installation. This may be considered unreasonably restrictive regulation of farm operations in contravention of Article 25-AA of the Agriculture and Markets Law.
- 2) The town limits the size of SWEC systems to 10 kW unless the applicant demonstrates to the reasonable satisfaction of the Town Board that a larger turbine is necessary to meet the historical and/or projected energy needs of the applicant.
- 3) It also restricts the number of SWEC systems to one per parcel of land. These constraints may be considered unreasonably restrictive regulation of farm operations in contravention of Article 25-AA of the Agriculture and Markets Law.

E. Signs

Section 903 governing signs was reviewed as part of the overall assessment of zoning regulations as they pertain to agriculture. No substantive issues with regard to agriculture or NYS Ag & Markets Law were identified. Although the 16 square feet maximum sign area is relatively small, it provides adequate area for text large enough to be read by passing traffic at 50 to 60 mph. It may be worthwhile for the Committee to document the sizes of existing signs in the town to get a sense of current practice, and size and readability.

The Town of Dryden may also consider permitting “business directional signs” in the Zoning Law. These are small signs located off-premises, usually in close proximity to an intersection, that are designed to alert motorists and direct them to the business. Such signs should be subject to specific standards, to distinguish them from off-premises billboards, including:

1. Limiting the number of such signs, that may be placed by a business to 2 or 3 total;
2. Limiting the size of the signs, to 6 square feet – small but still permitting large enough lettering to convey the directional information to passing motorists, and the sign height to 6-8 feet;
3. Requiring that they be placed no further than 500 feet from the intersection at which prospective customers are being directed to turn off the main road or highway.

Directional signs would not only benefit agricultural businesses, but rural businesses in the Town of Dryden in general. The Town of Ulysses defines business directional signs as:

“Any sign, not exceeding nine (9) square feet per side in area, posted by a business along a public road or highway for the purpose of guiding prospective customers to their location.”

F. Mining. (Section 1304 – Mining) The town’s provisions for mining do not appear to be overly restrictive as the Town of Dryden excludes “...excavations in aid of agricultural activities...” from the definition of “mining” in Section 1304(H) (2). The town’s language mirrors the State’s language quoted by Robert Somers in his letter found in the appendix. (6 NYCRR 420.1(k)). This should be confirmed with Town Code Enforcement staff but it does appear that mining activities where the excavated materials will be used in support of a farm operation, and not for sale for use elsewhere, is exempt from Special Permit review.

CONCLUSIONS

The regulations in the Town of Dryden Zoning Law as they relate to agriculture are not overly burdensome and with the exception of a few minor issues avoid contravention of Agriculture and Markets Law (AML) Section 305-a, or the provisions of town Law governing land use regulations. The major changes proposed consist of:

- Removing certain non-agricultural uses from the list of uses permitted in the Rural Residential, Rural Agricultural and Conservation zoning districts;
- Removing the requirement for special use permits for several agriculture-related land use activities;
- Adding new agriculture-related land uses including agri-tourism, farm markets and agriculture-related light industrial uses;
- Adding new or modifying existing definitions in Article 3 of the Zoning Law.
- Adding a definition for Farm Worker Hosing and amending the Zoning Law to allow for it.

VI. Town of Dryden Agriculture & Farmland Protection Recommendations

VISION STATEMENT

A future vision of agriculture and its contribution to the Town of Dryden

Farms all types and sizes are encouraged. Existing and emerging operations and enterprises will be able to respond to customer demand quickly thereby taking advantage of new or increased market opportunities, without burdensome restrictions or regulations. There is recognition that a diversity of farm operations creates demand for and more effective and efficient use of a diversity of agricultural resources.

Plan Components

(as required by State Dept. of Agriculture & Markets)

I. Location of areas/land recommended for protection for agricultural use

- 1. Town of Dryden farmland in NYS Agriculture District #1.** Ensure that town staff and officials are knowledgeable about NYS Agricultural District Law, and refer to the Law and related Guidance Documents when drafting new or updated town plans, zoning, and other laws.
- 2. Town of Dryden farmland in the Northeast Tompkins County Agriculture Resource Focus area.**
- 3. Actively farmed land and land with prime soils and soils of statewide importance.**
- 4.** Support farmers and rural landowners interested in applying for state and federal grant funding for purchase of development rights on farmland which is most threatened by development.

II. Value of Land to be protected

By protecting agriculture land in County Agriculture District #1 and land in the northeast Agricultural Resource Focus Area within the Town of Dryden, and protecting the best soils most suitable for farming, the town will preserve the economic activity generated by farming enterprises including \$15 million dollars in product sales and jobs for approximately 130 people.

III. Consequences of Farmland Conversion

Loss of high quality soils for farm and food production – Given the amount prime soil and soil of statewide significance in the Town of Dryden that is desirable and necessary for farming and food production it would be a significant loss to the future of farming and food production in the town, county and region if this resource were lost. Soils cannot be replaced once lost to infrastructure and buildings.

Fragmentation of farmland making it harder for existing operations to remain viable – Rural sprawl including housing and business development make it harder for farmers to farm efficiently and increases the cost of doing business. Farm operations need land to operate and the farther they must go to find farmland the more challenging it becomes as they travel from field to field to work around developed areas.

Loss of farm jobs and employment sector – Farms in the Town of Dryden provide full or part time jobs for approximately 70 owner/operators and their family members. Hired labor on farms is generally part-time and seasonal providing approximately 60 jobs. Hispanic workers have become the dominant labor force on 3

town dairy farms (approx. 29 workers total). Hispanic workers along with employees from the local area live and shop locally, and contribute to the community.

Loss of economic activity – Farms in the Town of Dryden generate approximately \$15 million dollars in dairy, crop and related agricultural sales. \$12 million in sales is generated by the dairy industry alone. Total agriculture product sales in the county is \$67 million (2012 USDA Census of Agriculture), therefore, Dryden farms are significant in the overall Tompkins County farm economy.

Loss of open space/scenic views/UNA's associated with farms– Nearly 15,000 acres of land in the town, or about one-quarter of the land area, is associated with agriculture. An additional 35,884 acres (60 %) of the town's land is classified (Tompkins County Land Use Land Cover Survey, 2012) as being in vegetative cover, some of which may also be associated with farms. Some of the UNA's in the Town of Dryden are associated with farms. The rural character of the eastern half of the town will change significantly if agriculture is no longer a dominant contributor to scenic views and open space. These are attributes that also benefit rural tourism development.

Increased rural sprawl – Rural sprawl is a reality in the town. During the past 20 year period housing has developed outside the villages at a faster rate than in the villages and hamlets. As the villages and hamlets have become built out, more housing is moving into rural areas, impacting farming operations via traffic, trespass and neighbor complaints.

Higher taxes and increased demand for services – A 1995 Cost of Community Services Study prepared by Cooperative Extension and the Tompkins County Agriculture & Farmland Protection Board compared the cost of services demanded by 3 sectors: residential, industrial and agriculture compared to revenues contributed for services. For the Town of Dryden, the ratio of tax dollars generated by the 3 sectors compared to expenditures was 1 to 1.21 for residential; and for both industrial/commercial and agriculture the ratio was 1 to .32, meaning that for every tax dollar from residential, \$1.21 is demanded in services while both agriculture and industrial/commercial receive only 32 cents in services for each dollar paid in taxes. Consequently, the loss of agricultural land to residential development will result in increased demand for services and result in higher taxes overall. This type of study has been repeated by American Farmland Trust in many communities, with similar overall findings.

IV. Level of Development Pressure

Development in the Town of Dryden has been slowly expanding into rural agricultural areas. A slow but steady increase in population is anticipated to continue, with a corresponding increase in residential development appearing in rural agricultural areas rather than population centers.

Business development is concentrated in the Village of Dryden, along major road corridors, and along the western border with Ithaca and Cornell University, and the northeastern border with the county of Cortland. As businesses develop jobs, this will also contribute to an increased demand for nearby housing.

Farmers have noted increased car traffic traveling at higher speeds on rural roads. With more housing along rural roads, and more drivers, there is concern that fast-moving cars and slow-moving farm equipment, especially during spring planting and fall harvest season, pose increased safety concerns.

V. Development Impacts

Farmers feel the encroachment of development in Dryden's farming areas and it is of concern. There is documented rural housing growth outside of the villages and hamlets which is likely to continue as a trend. Horticulture businesses and small-scale farming oriented at direct marketing can benefit from population growth if residents place a value on buying products from local businesses. Larger scale farms are concerned about the proximity of non-farming neighbors unfamiliar with typical farming activities. More cars and people in rural areas increase the need to educate rural residents about road safety and trespass issues. This poses an additional burden on farmers.

Farming operations are generally less efficient when they farm fields spread over a larger area interspersed by housing. There are increased costs associated with moving equipment, and growing crops on multiple small fields instead of larger contiguous farm fields.

Increasing development, including large scale industrial solar development, will also influence what rural landowners who rent to farmers will do in the future. Farmers are concerned about access to rented land. For some farmers who rent the majority of the land they farm, it could mean the end of their farming operation because there is little land available to rent or buy. While many rural landowners indicate they prefer that their land is farmed, high taxes and development opportunities are likely to impact future decisions to rent land to farmers.

Given that the majority of farmland in the northeastern part of the town is located along three major transit routes out of the county, there is also significant pressure to locate businesses along these routes (Routes 13, 366, and 38). This could have a greater impact on loss of farmland than the rural housing sprawl. Dryden is unique in having farmland immediately surrounding and contiguous to the villages of Dryden and Freeville along with these major commuting routes. As a result, there is cause to prioritize the farmland surrounding the villages for farmland protection through conservation easements. Two farms within this area currently have permanent agricultural easements and provide a buffer from development.

IMPLEMENTATION RECOMMENDATIONS

The Agriculture Plan for the Town of Dryden serves as a **guidance document** for town officials to consider for the protection of valuable agricultural lands, in particular those with high quality soils that occupy the northeastern area of the town, and it serves as a reference for planning and agricultural economic development. The recommendations in this plan reflect current conditions and therefore, in order to remain relevant, the plan will require that changes in agriculture and the community be monitored over time.

A priority need is that the Town maintain open communication with the farm community in decision-making on matters pertaining to and impacting agriculture and farmland use.

Specific recommendations are:

- To ensure the Agriculture Committee is informed about town activities impacting agriculture and the Agriculture committee's input on such matters is shared and considered by the town board, planning board and conservation board
- To provide staff support to the Ag Committee to move forward on Agriculture Plan Action Steps.
- To raise the status of the Agriculture Advisory Committee to that of an Agriculture Board similar to the Conservation Board.
- To honor the objectives pertaining to agriculture contained in the 2005 Town of Dryden Comprehensive Plan as further evidence of the town's support for agriculture.

- To reference comments provided by the NYS Department of Agriculture & Markets (provided by Robert Somers, 2012) when considering amendments to the town's zoning ordinance.

PRIORITY ACTIONS/RECOMMENDATIONS

A. Increase general awareness and support for the Town's agriculture industry

- 1) Clearly identify Dryden as a Right to Farm town through road signage.
- 2) As per the town Right to Farm Law, provide anyone filing for a permit with the Town Zoning officer a disclosure statement if the property borders a farm. The intent is to make permit applicants aware of farming neighbors and to inform them that farmers have the right to undertake and follow sound agricultural practices.
- 3) To the extent possible, work with realtors to provide new landowners in the town's agriculture district with a map of district boundaries and information pertaining to agriculture district law provisions and benefits for non-farmers.
- 4) Include information on the town's website and a directory of farm products for direct to consumer sales.
- 5) Arrange tours of farms for town officials and the general public as a way to create awareness of farm operations and generate broader community support.

B. Create a supportive environment for farming in the Town

- 1) Continue to improve town-farmer communication.
- 2) Appoint an agricultural representative to the Town Planning Board, in accordance with GML §271 [See page 62 in Appendix].

C. Protect the best farmland and encourage environmental stewardship

- 1) Identify farmers interested in the NYS Farmland Protection Program (PDR) and support them in the application process.
- 2) Direct development away from actively farmed land and high-quality soils most suitable for farming.
- 3) Make farmers aware of programs and funding available through USDA NRCS, NYS Agriculture & Markets, and the Tompkins County Soil and Water District for farm improvements that protect the environment.

D. Ensure farm-friendly zoning and other legislation

- 1) Educate town staff and officials about the Agricultural District Law.
- 2) Ensure town laws are not in conflict with Agricultural District Law.
- 3) Encourage the state to increase the amount of forest acreage eligible for agricultural assessment (current limit is 50 acres of forest land)
- 4) Enforce trespass laws and storm water regulations, to reduce and avoid negative impacts on farm operations.
- 5) Adopt the zoning changes as recommended in section V. of this document:
 - Remove certain non-agricultural uses from the list of permitted uses in the Rural Residential, Rural Agricultural and Conservation Zoning districts (as per section V of this document).
 - Remove the requirement for special use permits for agriculture-related land use activities.
 - Add new agriculture-related land uses including agri-tourism, farm markets, and agriculture-related light industrial uses.
 - Add new or modify existing definitions in Article 3 of the Zoning Law.
 - Amend the zoning law to acknowledge that on farm buildings may include housing for seasonal or year-round workers and depending on the complexity of the housing, permits and streamlined site plan review may be reasonable.

E. Strengthen the farm economy and future viability of farming

- 1) Promote direct marketing, including farmers markets, farm stands, CSA farms, and U-pick.
- 2) Identify and promote the growth of emerging and expanding ag enterprises in the town, including equine operations, farm brewing, agri-tourism, and added value enterprises. Consider development of a food incubator corridor that supports farm-based entrepreneurship.

APPENDIX

Town of Dryden Agriculture & Farmland Protection Plan Implementation Chart (weighted responses)

Goals and Strategies to Preserve Farmland and Promote Agriculture

UPDATE 08.02.17

Acronyms: TOD/Town of Dryden, AC/Ag Committee, CCE/Extension

HD/Highway Dept, DCSD/Dryden School, AFPB/Ag & Farmland Board

PB/Planning Board, FB/Farm Bureau, SWCD/Soil & Water Conservation Dist,

NYSAM/NYS Ag & Markets

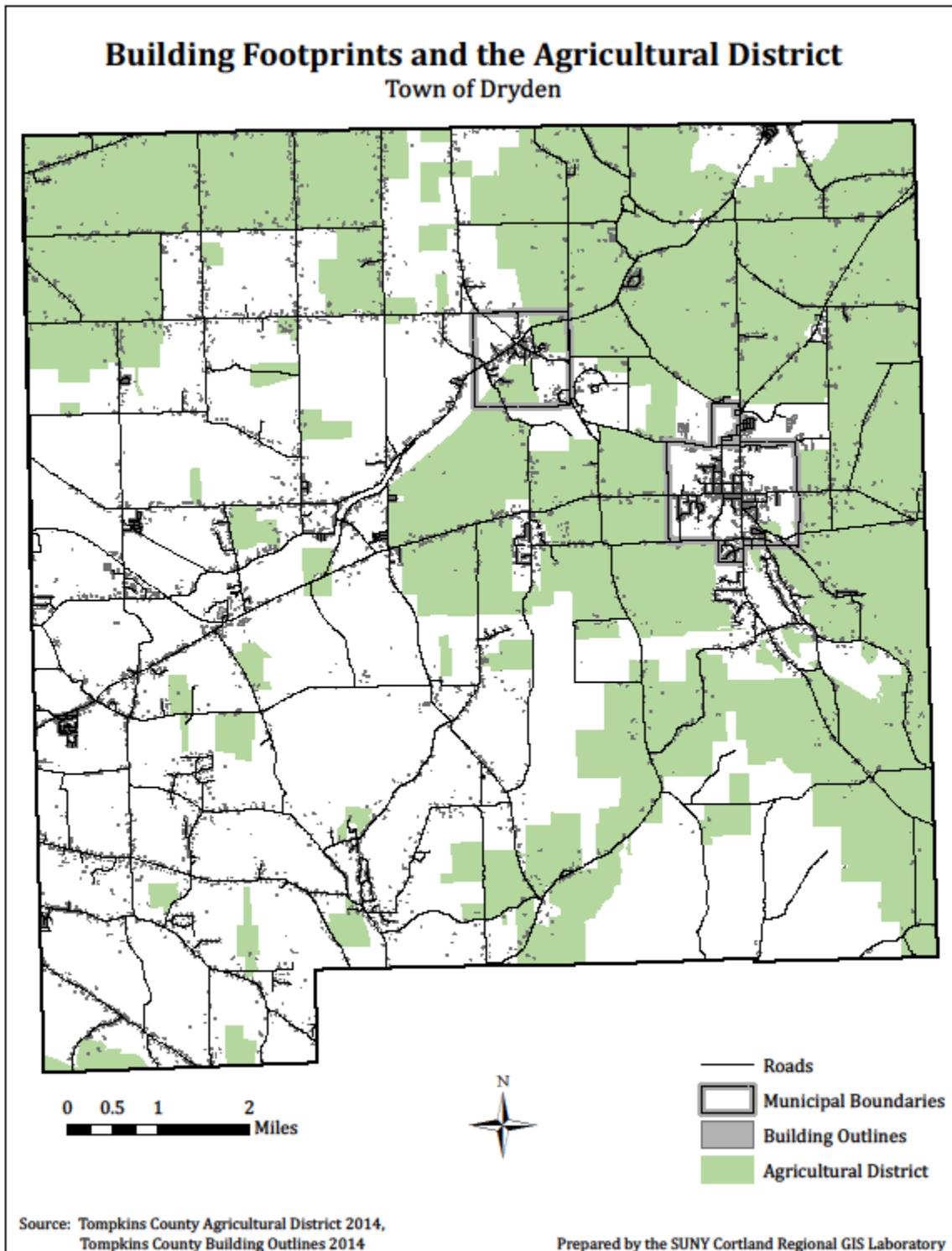
Yellow – highest priority actions

INCREASE COMMUNITY AWARENESS AND UNDERSTANDING OF AGRICULTURE'S BENEFITS			
	Recommendation	Priority	Responsibility
Goal 1 - Increase general agriculture awareness and support for the Town's agriculture industry			
1-a	Town Right to Farm Law & State Ag District Law - education & outreach	33 – short/1 yr	TOD AC; CCE
1-b	Strengthen real estate property disclosure in Ag Districts (part of Ag District Law)	34 - ongoing	TOD AC; CCE; Board of Realtors
1-c	Town website information about farming in the town; town newsletter articles	24 – short/1 yr	TOD; CCE
1-d	Promote farm direct marketers and encourage residents to buy local	22 – short/1 yr	Farm retailers; TOD; CCE
1-e	Road signage denoting when entering farming areas/ag zone	22 – short/2 yr	TOD HD
1-f	Data gathering about farming in town - economic impact, trends	23 - ongoing	TOD; CCE
1-g	Farm tours for town officials, school staff, farm neighbors, youth, public	24 - ongoing	TOD AC; CCE
1-h	Classroom Education about farming/Tractor Safety Courses/4-H ag clubs/Community & School gardens	29 - ongoing	DCSD; TOD AC; CCE
CREATE A SUPPORTIVE ENVIRONMENT FOR FARMING			
	Recommendation	Priority	Responsibility
Goal 1 - Infrastructure/policies important to farming			
1-a	Maintenance of roads & bridges - for heavy ag vehicles	29 - ongoing	TOD HD
1-b	Review traffic/speed limits/signage in agriculture areas to improve safety	29 - ongoing	TOD HD; Tompkins County
1-c	Trespass control	31 - ongoing	TC Sheriff
1-d	Policies that enable farm-based renewable energy development	25 - short	TOD
1-e	Continue to improve communication between the town and farmers & agricultural land owners	35 - ongoing	TOD; TOD AC; TOD Farm community
Goal 2 - Limit non-farm development in agricultural areas			
2-a	Abide by & refer to NYS-Certified Agriculture District Law provisions for protections	36 – ongoing	TOD AC; TC AFPB
2-b	Limit water & sewer extension into agricultural areas	25 – ongoing	TOD AC; TC AFPB
2-c	Avoid development of prime and soils of statewide significance	31 – ongoing	TOD PB; TOD AC
2-d	Create a new Agriculture Zoning district in dominant ag areas	25 – short/1yr	TOD PB; TOD AC
Goal 3 - Create incentives to direct development away from agricultural areas			
3-a	Encourage/reward clustered development	31 – sort/2 yr	TOD Zoning
3-b	Infill-density development in Hamlets (consider Transfer of Development Rights)	30 - ongoing	TOD PB
3-c	Continue to develop Walkable Communities concepts in villages and hamlets	26 - ongoing	TOD Zoning
3-d	Ensure stormwater regulations are followed to avoid Drainage into farm fields	33 - ongoing	TOD Zoning
Goal 4 - Tax policies that make owning farmland affordable			
4-a	Explore town tax abatement through short term easements to keep land in ag	32 – med/3-5 yr	TOD AC; TC Assessment

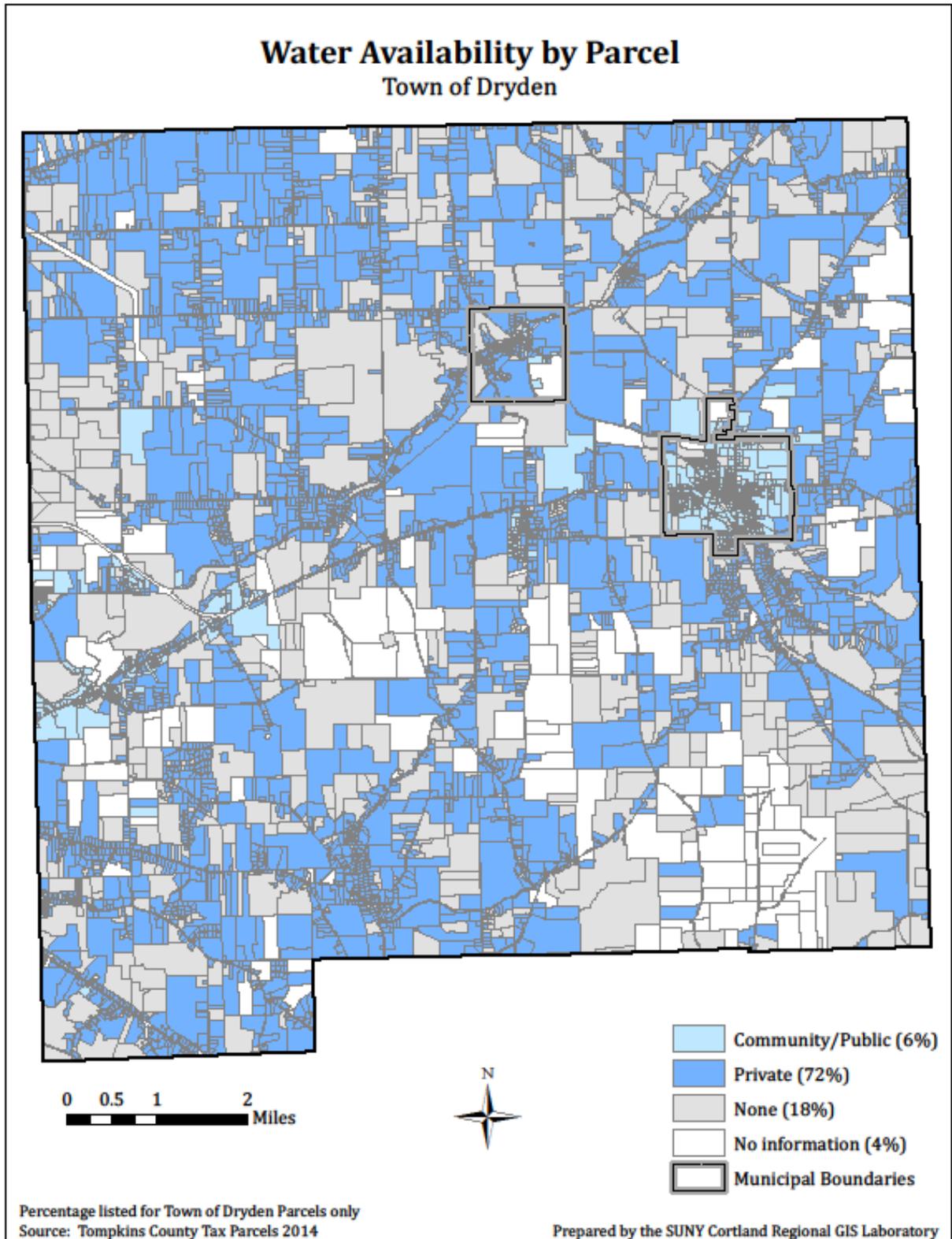
4-b	Educate farmers/rural landowners about Ag Assessment if not receiving	30 - ongoing	TOD AC; CCE
4-c	Educate farmers about NYS Farmers School Tax Credit if not receiving	30 - ongoing	TOD AC; CCE
4-d	Work to increase the amount of forest acreage eligible for agricultural assessment	34 – med/3-5 yr	TOD AC; FB; TC AFPB; elected officials
PROTECT AND PROMOTE THE BEST FARMLAND AND ENCOURAGE ENVIRONMENTAL STEWARDSHIP			
	Recommendation	Priority	Responsibility
Goal 1 - Promote land stewardship to protect soil, water and environmental quality			
1-a	Encourage sustainable soil building farming practices	29 - ongoing	TOD AC; CCE; SWCD
1-b	Encourage farms to adopt/follow nutrient management plans	28 - ongoing	TOD AC; CCE; SWCD
1-c	Make farmers aware of programs and funding to protect the environment	31 - ongoing	TOD AC; CCE; SWCD
1-d	Provide information and training for maintaining and improving soil fertility	30 - ongoing	TOD AC; CCE; SWCD
1-e	Provide information about and assistance with drainage issues	28 - ongoing	TOD AC; CCE; SWCD
1-f	Provide woodlot value assessment and management tools	27 - ongoing	TOD AC; CCE; DEC
1-g	Provide information and training about pond management	27 - ongoing	TOD AC; CCE; SWCD
Goal 2 - Protect the best land for farming			
2-a	Investigate options for short term easements (Lease of Development Rights)	26 – med/3-5 yr	TOD AC; CCE; TC Planning
2-b	Support town farmer applications for State Purchase of Development Rights (PDR) funding	22 - ongoing	TOD AC; TC Planning
2-c	Town should hold easements on farms awarded State PDR funding	17 – short/1 yr	TOD
2-d	Investigate town PDR program and means to fund	24 – long/5+ yr	TOD
2-e	Educate landowners about benefits of renting/selling to town farmers	25 - ongoing	TOD AC; TOD: CCE
2-f	Ensure zoning allows for minimum lot sizes and flexibility for farmers to sell the least desirable land	25 – short/1 yr	TOD Zoning
FARM FRIENDLY ZONING & OTHER LEGISLATION			
	Recommendation	Priority	Responsibility
Goal 1 – Ensure zoning and other local laws are not unreasonably restrictive and give priority to farming and related enterprises in the Rural Agricultural District			
1-a	Amend zoning so active farmland is not zoned residential or conservation	38 – short/1 yr	TOD AC; TOD
1-b	Zoning laws should continue to permit ag commerce and related enterprises	37 - ongoing	TOD AC; TOD
1-c	Allow smaller ag enterprises in some residential, Rural Ag, and Ag zones (farm markets, ag tourism)	31 – short/1 yr	TOD AC; TOD
1-d	Ensure town staff (code/planning) are familiar with NYS Ag District Law	35 - ongoing	TOD AC; CCE
1-e	Ensure local zoning is not in conflict with NYS Ag District Law	31 – short/1 yr	TOD AC; NYSAM
1-f	Investigate zoning for cluster housing on poorer soil and maintain open farm land	21 – med/3-5 yr	TOD
1-g	Require developers to maintain buffer between housing & farmland in ag zone	28 – short/1 yr	TOD
1-h	Link Agriculture Plan with Comprehensive Plan to ensure common goals are met	31 - ongoing	TOD AC; TOD
1-i	Investigate additional methods of identifying agriculture as pre-eminent in the Rural Ag district	24 -ongoing	TOD AC; TOD
1-j	Discourage/eliminate local regulations that overlap State and Federal	30 - ongoing	TOD AC; TOD

	regulations, as required by State law		
STRENGTHEN THE FARM ECONOMY AND FUTURE VIABILITY OF FARMING			
	Recommendation	Priority	Responsibility
Goal 1 - Strengthen the Farm Economy, Farm Viability and Agricultural Economic Development			
1-a	Farm energy conservation and renewable energy development; avoid installation on Prime soils	26 - ongoing	TOD AC; DEC
1-b	Promote farm direct marketing opportunities and options	25 - ongoing	TOD AC
1-c	Timber Sales based on forest management plans	22 - ongoing	TOD AC; DEC
Goal 2- Encourage new farming enterprises - promote new opportunities			
2-a	Identify organic farming, specialty crop, niche marketing opportunities	25 - ongoing	TOD AC; CCE
2-b	Encourage cooperative ventures among farmers to reduce cost/secure markets; identify & promote opportunities	27 - ongoing	TOD AC; CCE
2-c	More local food production for local consumption	24 - ongoing	TOD AC; CCE
2-d	Promote participation in LandLink	16 - ongoing	CCE
Goal 3 -Future Farmers/Farm Labor			
3-a	Increase high school student/guidance counselor awareness of farm careers	28 – short/1 yr	TOD AC; DCSD
3-b	Develop High school training/internship programs	29 – med/3-5 yr	TOD AC; DCSD
3-c	Provide farm business transfer information/education	25 - ongoing	TOD AC; CCE
3-d	Farm job posting on town website	22 - ongoing	TOD AC
3-e	Work to provide a legal pathway for non-citizens to fill farm worker jobs; some farms are dependent on these workers	26 – med/3-5 yr	TOD AC; CU Migrant Program

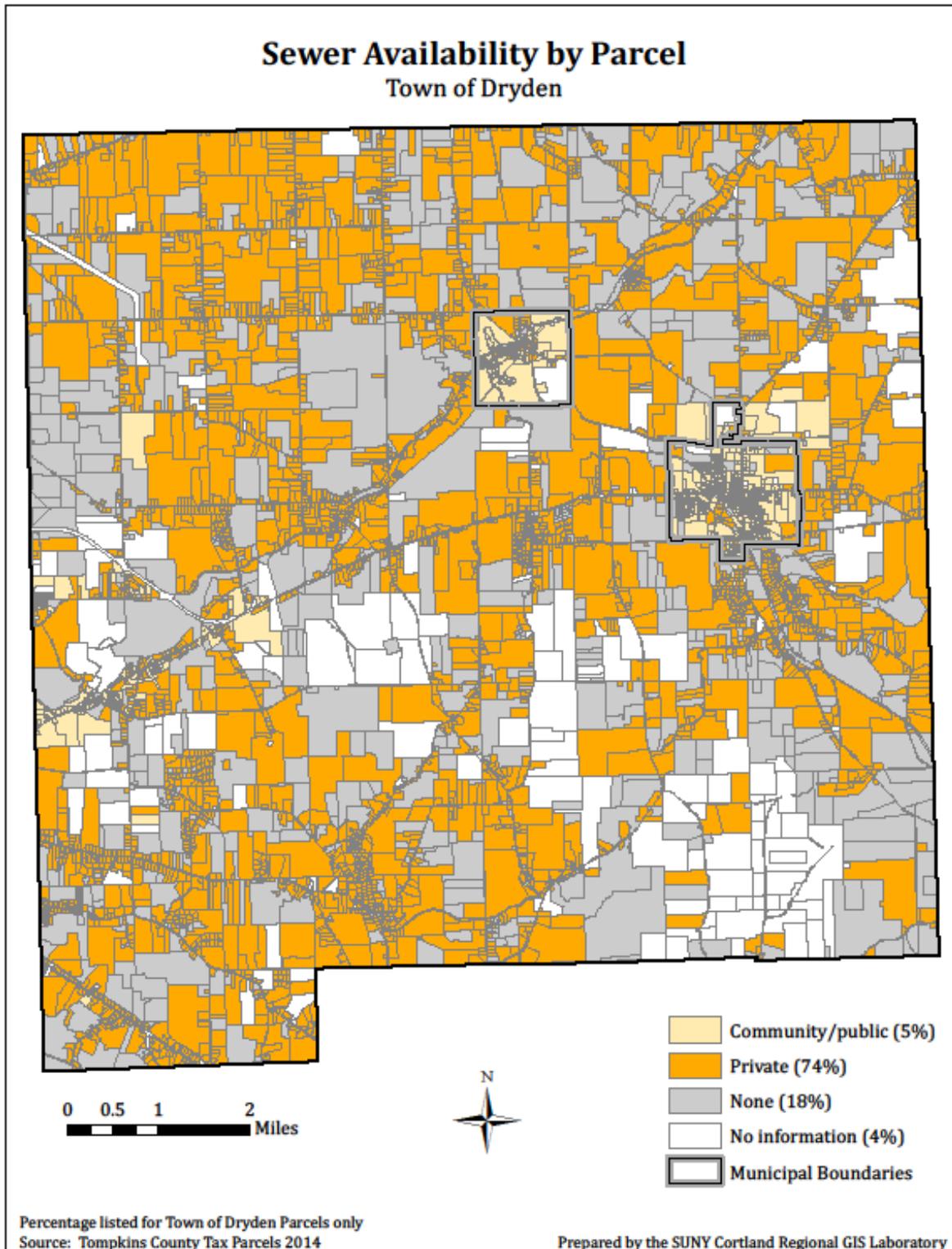
Map 2 – Building Footprints



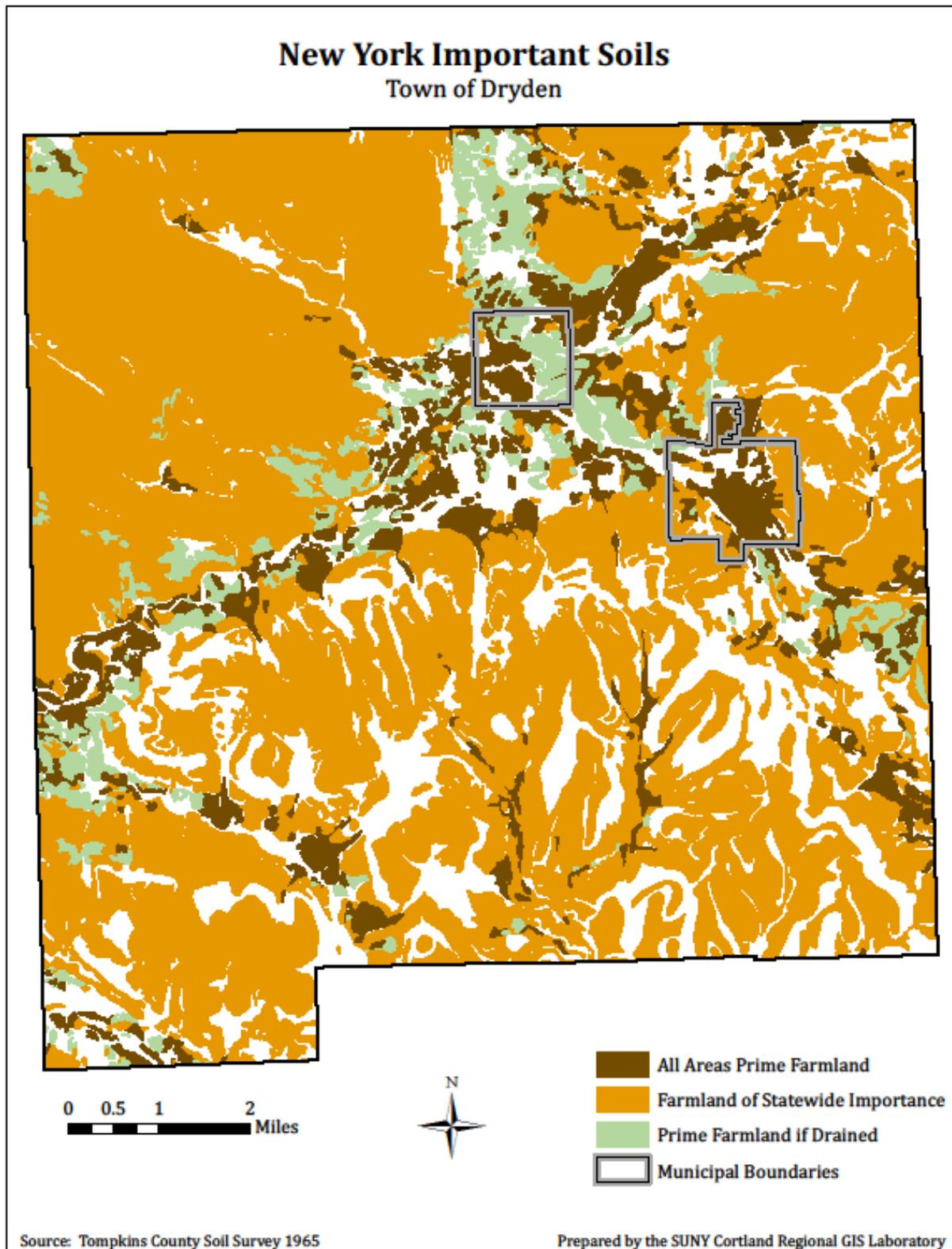
Map 3 – Water Availability by Parcel



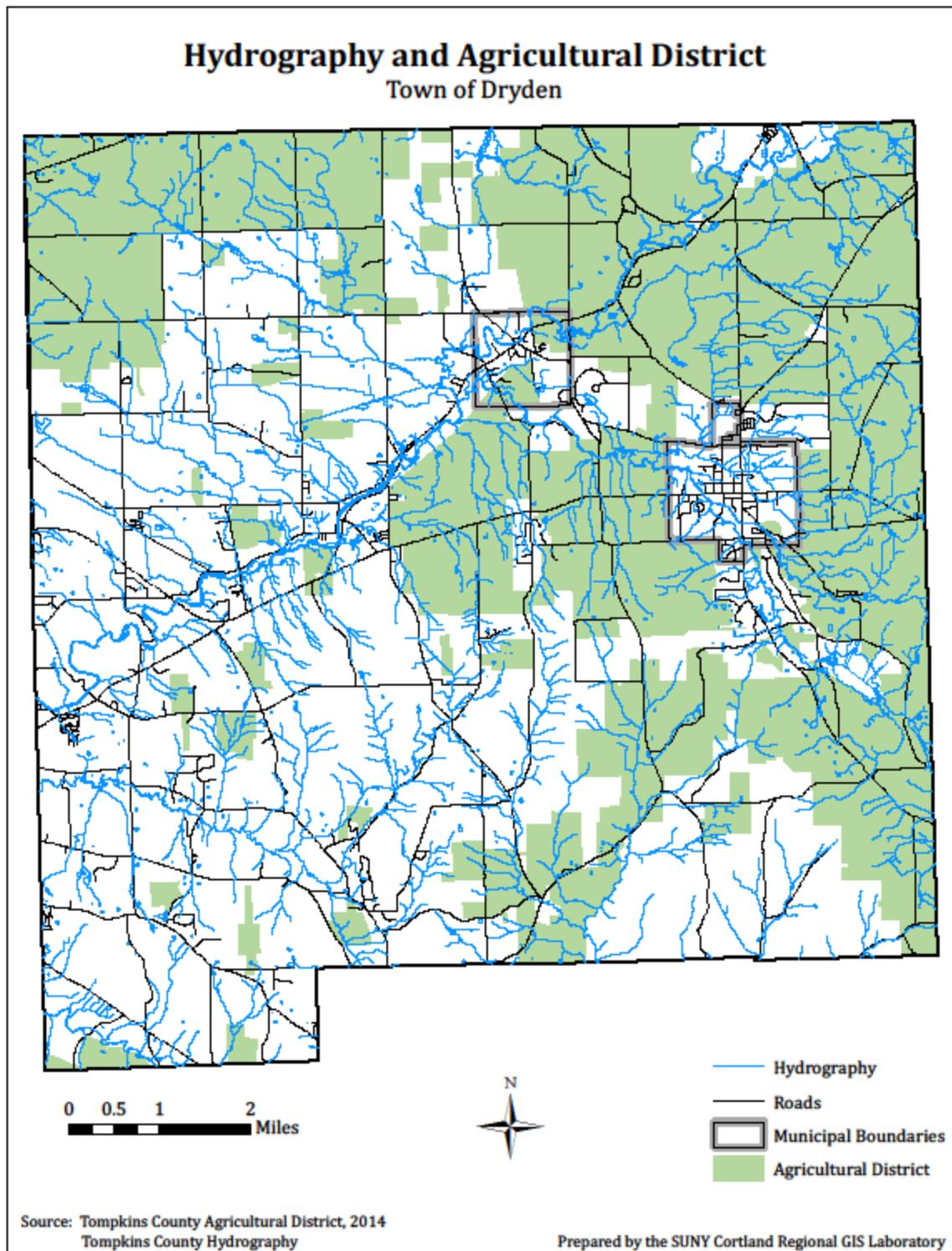
Map 4 – Sewer Availability by Parcel



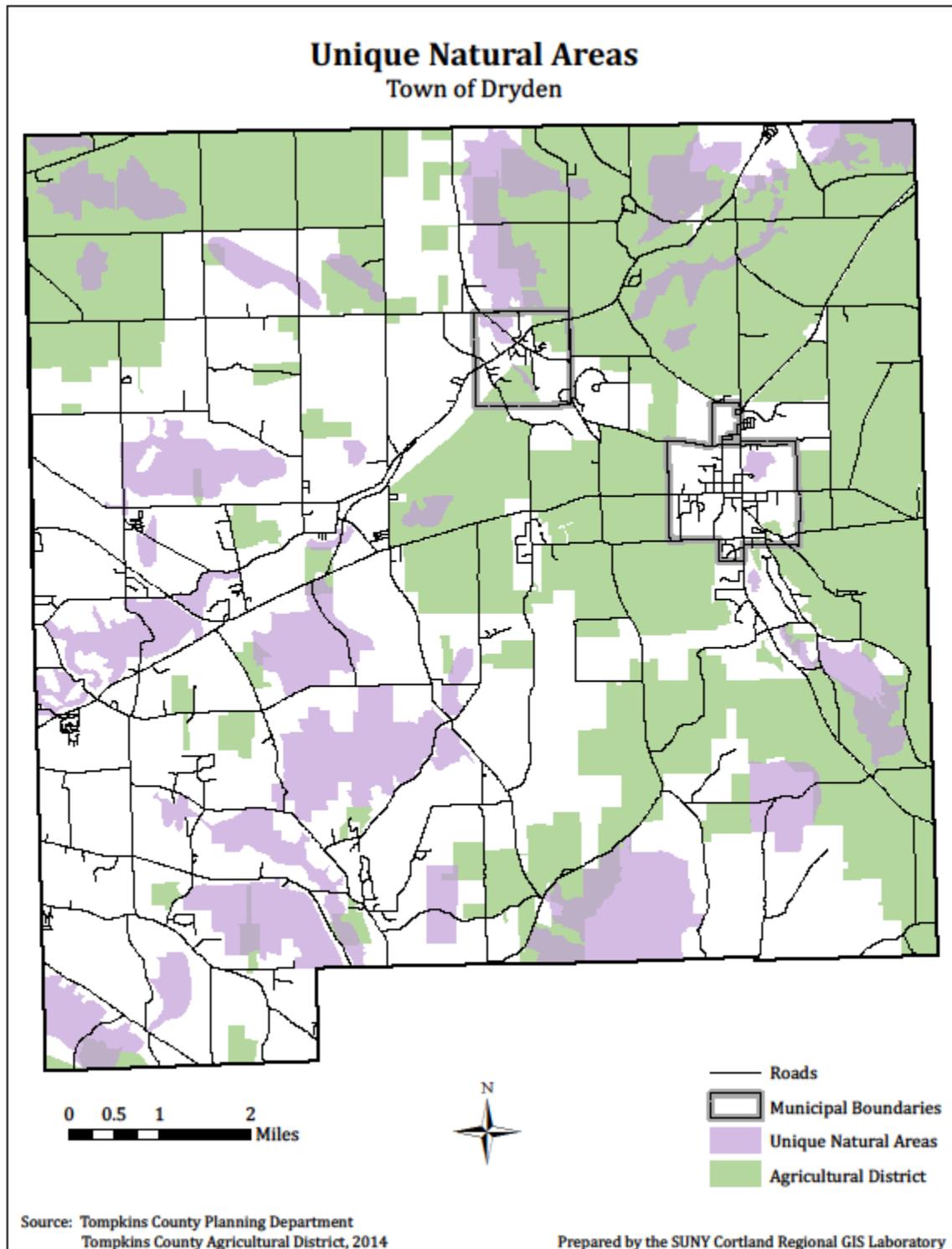
Map 5 – New York Important Soils



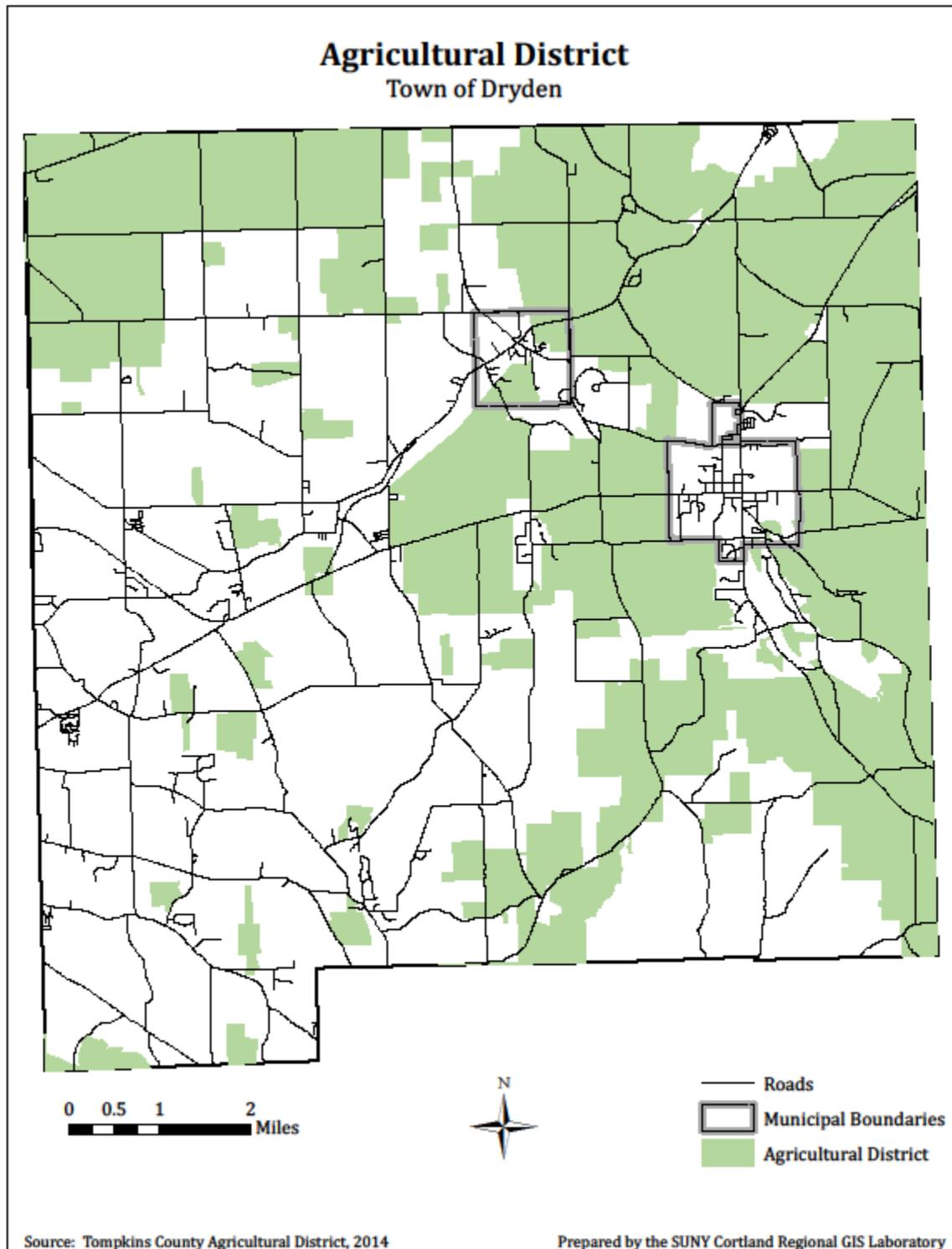
Map 6 - Hydrography and Agricultural Districts



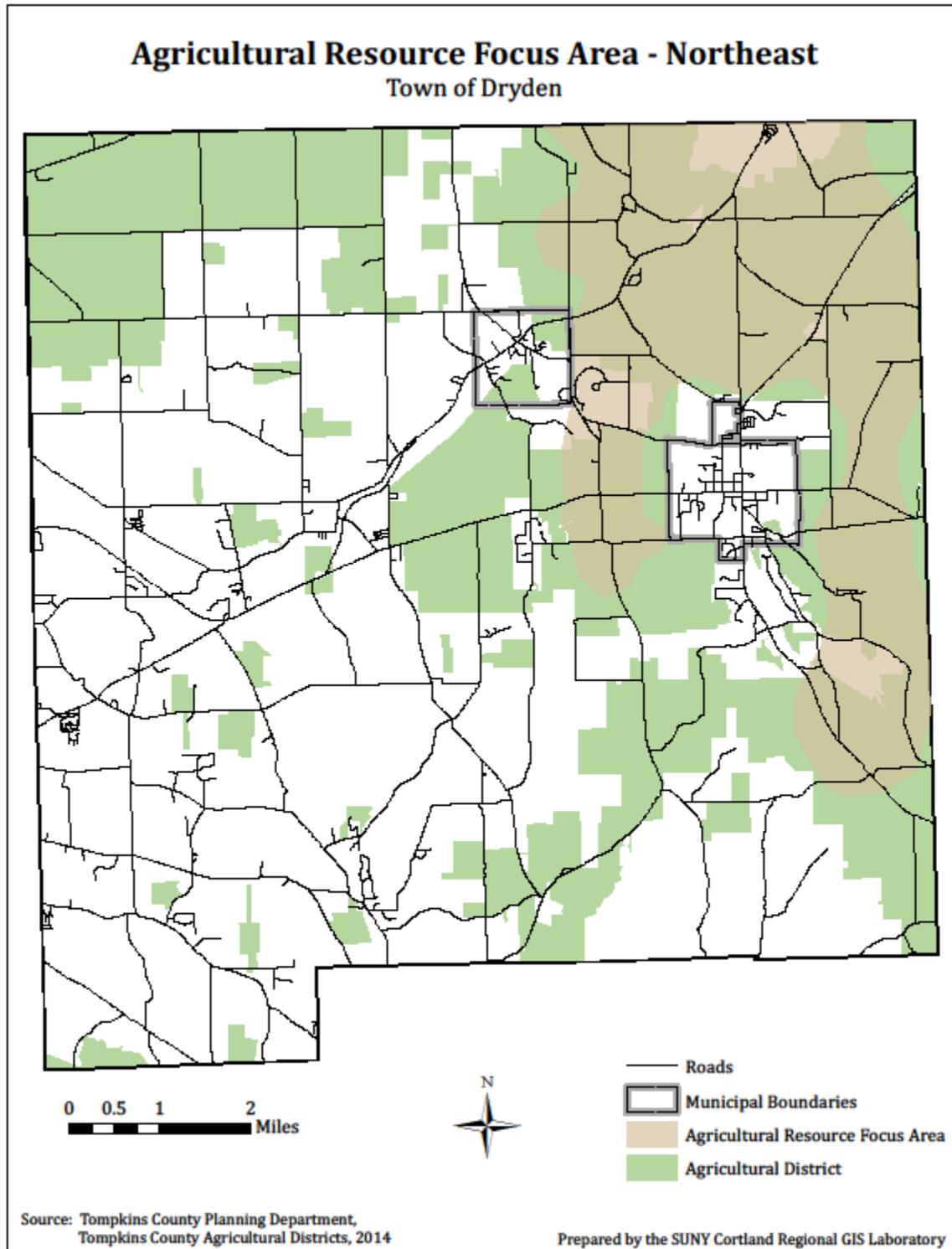
Map 7 - Unique Natural Areas



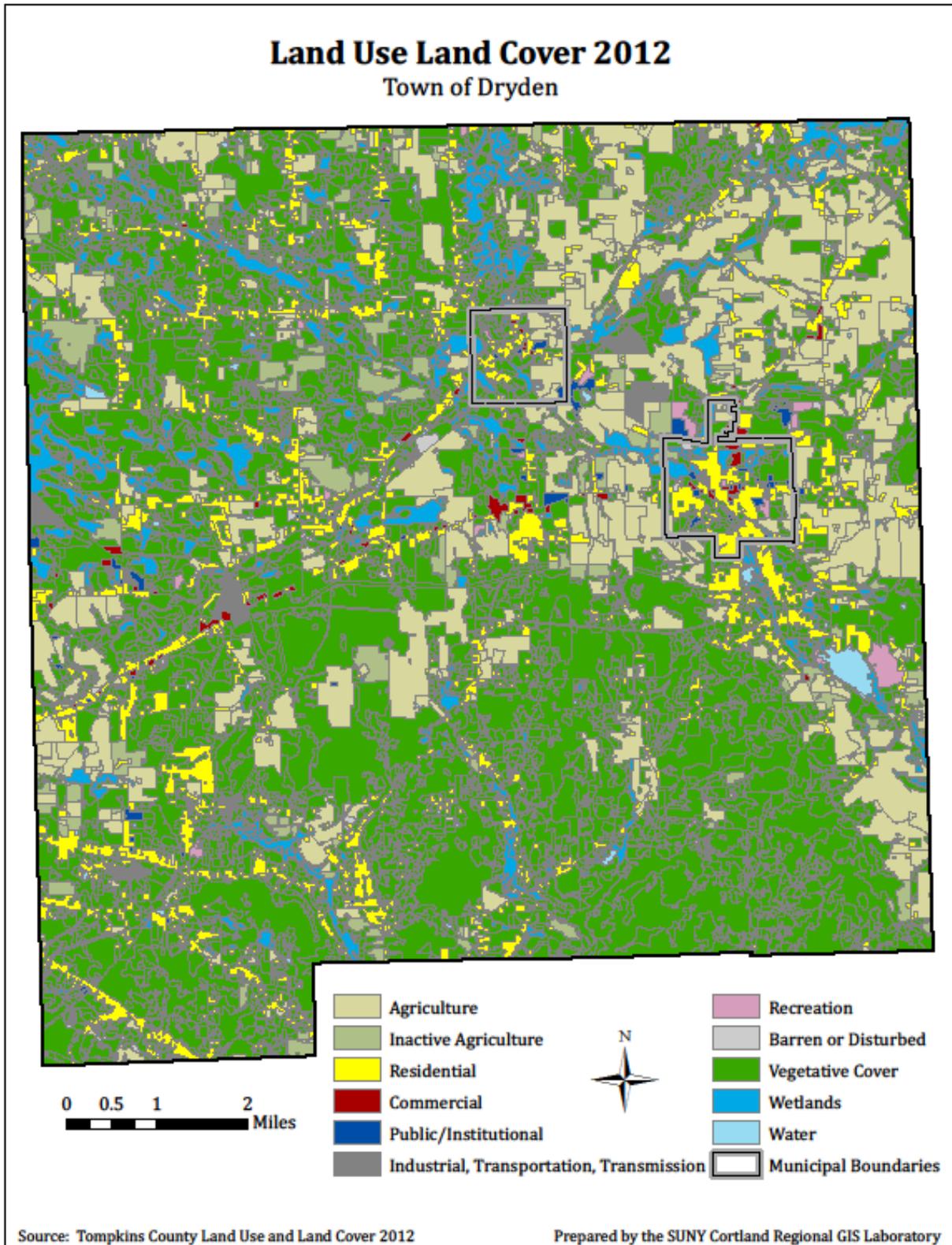
Map 8 - Agricultural Districts



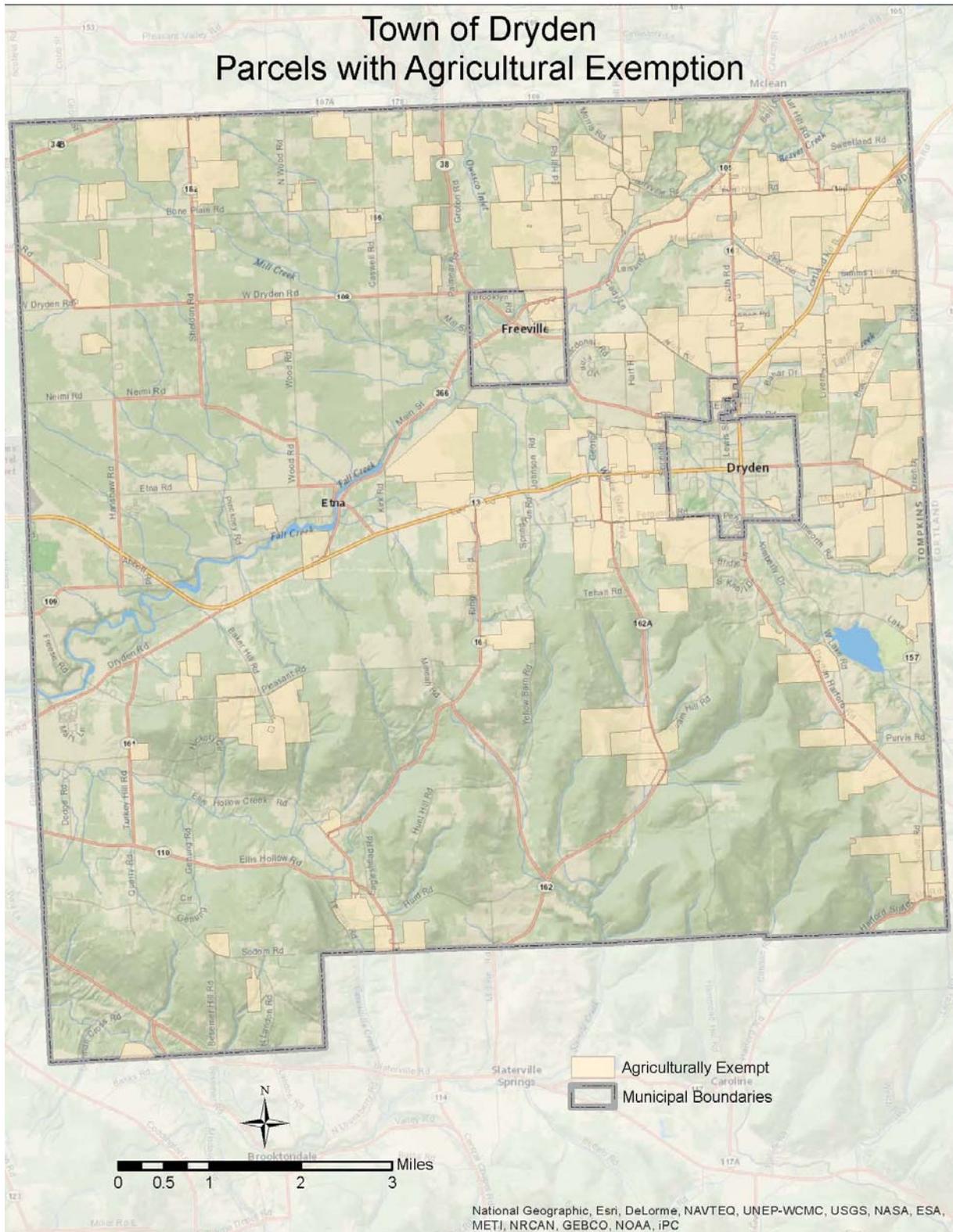
Map 9 – Ag Resource Focus Areas



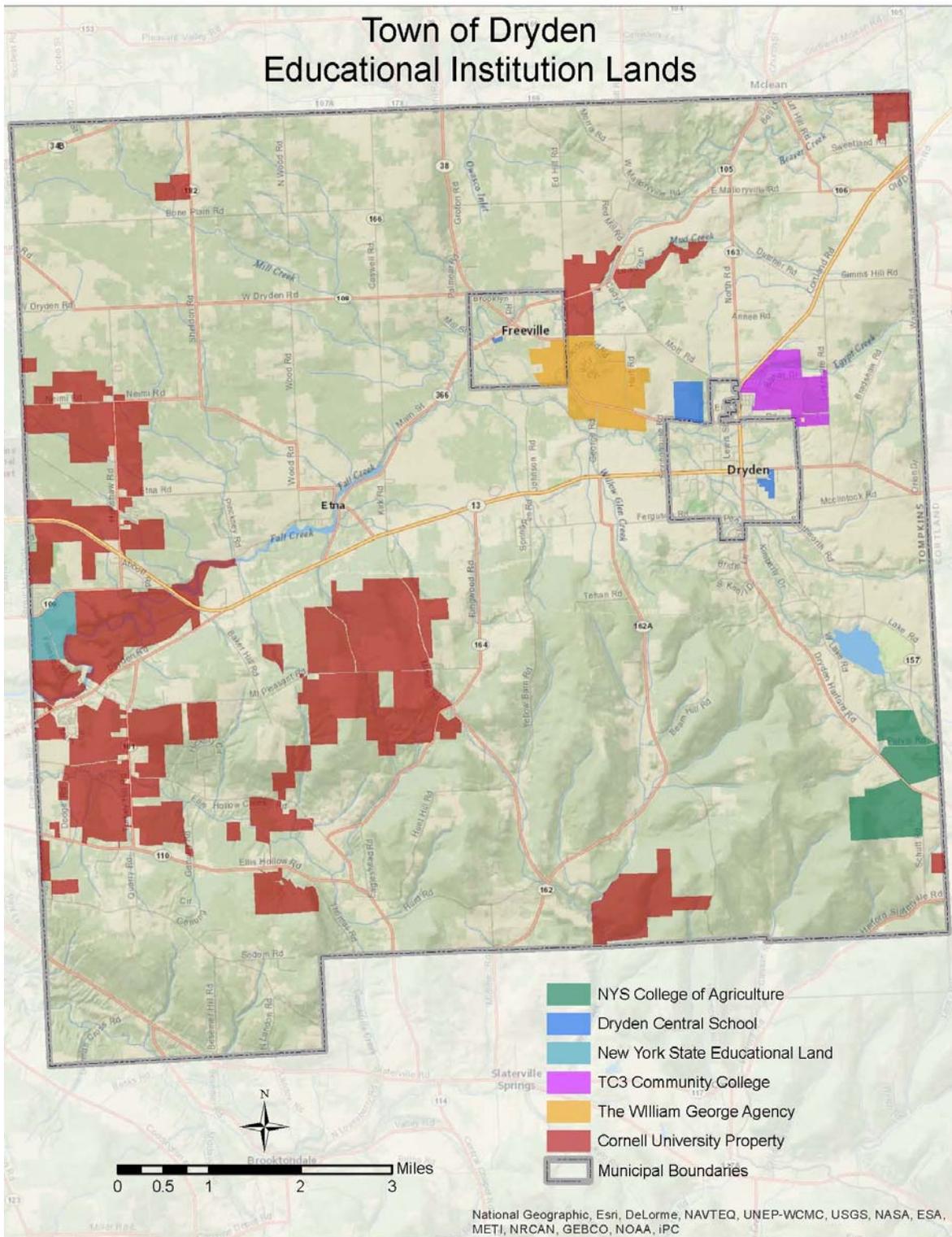
Map 10 – Land Use Land Cover 2012



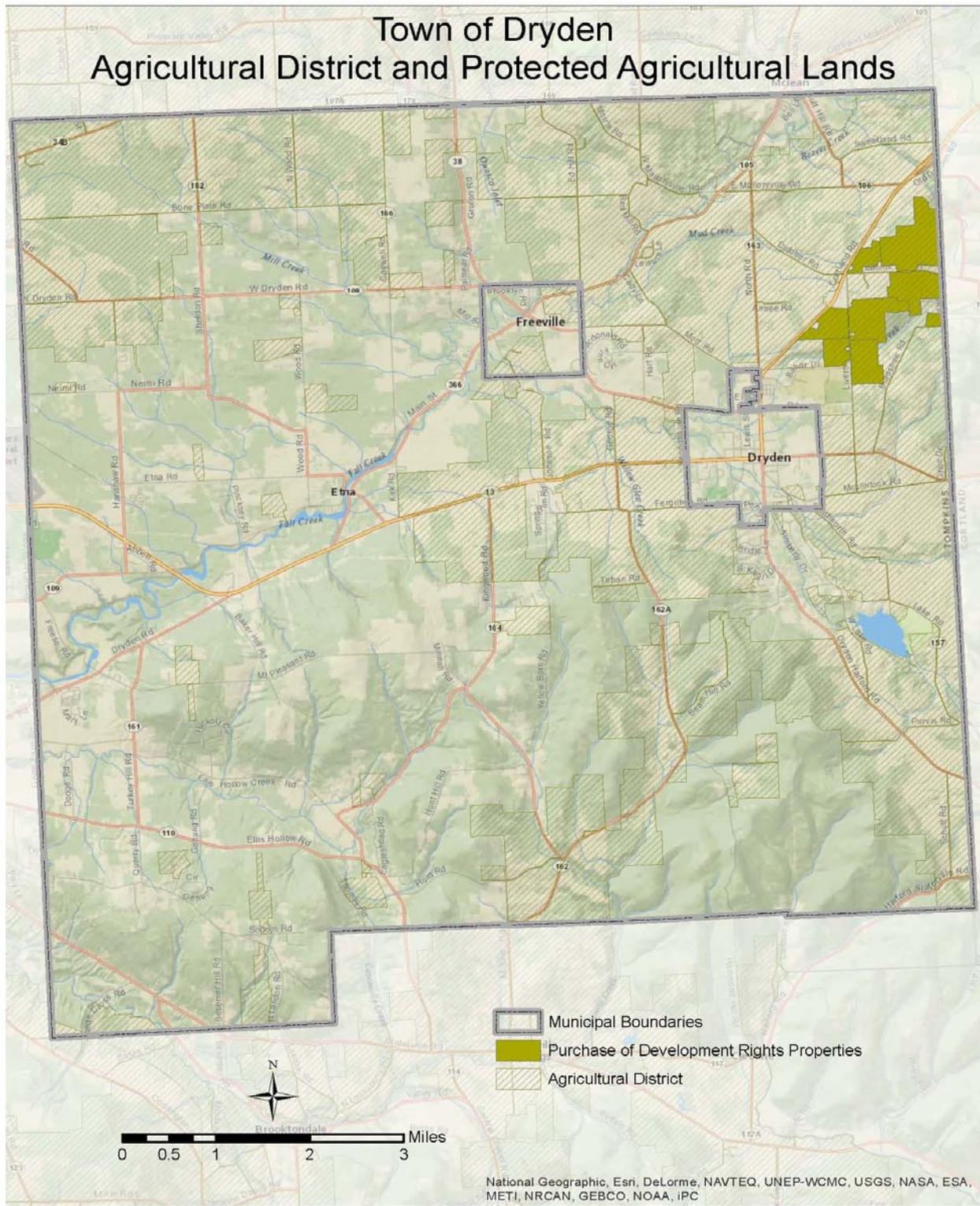
Map 11- Ag Exempt Farmland



Map 12 - Agricultural Lands Held by Educational Institutions



Map 13 – Agricultural District and Protected Agricultural Lands



Dryden Farmer Survey

Attention Dryden Farmers: The Town of Dryden has received a grant from New York State to develop an *Agriculture and Farmland Protection Plan* to promote continued agricultural use of farmland in the Town. The Town’s Agriculture Committee is overseeing this process (see <http://dryden.ny.us/board-commission-list/agricultural-advisory-commission>). To begin, we are working with Cornell Cooperative Extension of Tompkins County to gather and summarize farm data as well as farmer and agricultural land owner comments to help direct the plan’s development. Please, your information is needed; specific farm information will be maintained confidentially by Cooperative Extension, with only summaries being provided. Please contact Debbie Teeter at Cooperative Extension if you have any questions, or know a farmer who didn’t get, but would like, this survey: 607-272-2292.

***** PLEASE COMPLETE AND RETURN BY FRIDAY, MARCH 6TH *****

*ALSO – There will be a meeting for farmers and non-farming agricultural landowners to learn more about this project and review and comment on some of the survey results on **Wednesday, March 11th, 7:00 p.m. to 9:00 p.m.** at the Dryden Neptune Hose Company, 26 North Street in Dryden.*

Name: _____ Telephone No.: _____
 Farm Name: _____ Email: _____
 Address: _____

Please describe your Agricultural operation: _____

<u>Sales:</u>	<u>Number of Owners & Employees:</u>	<u>Acres Owned or Leased:</u>
____ Retail	____ Owners	Owned _____ Dryden _____ Elsewhere _____
____ Wholesale	____ Full-Time Employees	Lased from someone _____
____ Total	____ Part-Time Employees	Leased to someone _____
	____ Seasonal Employees	

<u>Crops raised in Dryden:</u>	<u>Livestock raised in Dryden:</u>
Crop _____ Acres _____	Species _____ # Head _____
Crop _____ Acres _____	Species _____ # Head _____
Crop _____ Acres _____	Species _____ # Head _____

<u>Woodlands in Dryden:</u>	<u>Dryden Acres in Agriculture Programs:</u>
____ Acres of Woodlands	____ AEM _____ CAFO
____ Acres in a Forest Management Program	____ CRP _____ Other: _____
Type of program: _____	____ Equip

Estimated Annual Gross Farm Sales

____ Below \$10,000	____ \$500,000 to \$749,999
____ \$10,000 to \$39,999	____ \$750,000 to \$999,999
____ \$40,000 to \$99,999	____ \$1,000,000 to \$1,499,999
____ \$100,000 to \$199,999	____ \$1,500,000 to \$2,999,999
____ \$200,000 to \$499,999	____ \$3,000,000 to \$4,999,999
	____ over \$5,000,000

Capital Farm Investment Over Past 7 Years

____ Below \$10,000
____ \$10,000 to \$49,999
____ \$50,000 to \$99,999
____ \$100,000 to \$199,999
____ \$200,000 to \$499,999
____ \$500,000 to \$999,999
____ \$1,000,000 to \$2,999,999
____ over \$3,000,000

1. Past and Future of your Farm:

a. How many years has your farm been in the family? _____

b. What do you think will happen to your farmland in the future?

Stay in farming:

Other Use:

Don't know: _____

_____ Transfer to next generation

_____ Sell all for development

_____ Sell to another farm

_____ Sell parcels for development

_____ Other: _____

_____ Other: _____

c. Do you have an Estate Plan? _____ Yes _____ No _____ Working on it

d. Do you expect purchase or lease more land in Dryden in the future? _____Purchase _____ Lease

2. Land Access:

a. Do you allow any of the following on your land?

_____ Hunting _____ Hiking _____ XC skiing _____ Snowmobiling _____ Other: _____

3. Farming in Dryden:

a. If the Town regulates farmland as "Open Space" for Quality of Life benefit for all residents, should impacted farmland owners be compensated? _____ Yes _____ No _____ Don't Know
If yes, how?

4. Zoning in the Town has changed over the years, including attempts to prevent residential development of farmland. What, if any, impacts have those efforts had on slowing the residential development of agricultural land, and why?

5. What are your overall impressions or thoughts about development pressure on farmland in the Town?

6. What are thoughts about Conservation Easements (Purchase of Development Rights, known as PDR)?

7. Do you think the Town is "Farmer Friendly"? _____ Yes _____ No _____ Don't Know
What experiences have you had or observed that led to that opinion?

8. What makes your operation successful?

9. What are the biggest challenges for your operation and industry?

10. What do think the future of your industry is?

Dryden Farmer Survey - Responses to Questions 3-10**3. Farming in Dryden:**

a. If the Town regulates farmland as “Open Space” for Quality of Life benefit for all residents, should impacted farmland owners be compensated? ___ Yes ___ No ___ Don’t Know

If yes, how?

- Yes: Tax Relief/Release, PDR
- What does it mean to me? If I can’t do (prohibited) certain things, then YES. If I get voluntary benefits for choosing (eg. Ag Exempt) then NO.
- Yes: It is interferes with farming compensating with monies for trails and/or other assets.
- The Town should NOT regulate farmland. Open space designation is a very broad undefined label. Another attempt to control private land.
- Yes: Financially (2)
- Yes: No property tax
- Yes: not sure
- Yes: Tax breaks; incentive payments annually; “Keep Land Agricultural”; “Farmland Protection Programs”; “Land Conservancy Programs”
- Yes: Reduce taxes
- Yes: sell development rights
- Yes: It depends on the size of the farm and land. But it would be a yearly compensation, almost like a rental fee. Maybe \$50 an acre? I would also worry about damage done to the crops and cover crops.
- Don’t know
- Depends on the definition of regulation. NO regulation should occur other than selling development rights. This is a direct infringement on personal landowner rights.
- Something similar to a PILOT program?
- Don’t know
- Yes: People thinking that the land is theirs to be open isn’t right, you want the rights to private land – lease yearly
- Yes: It depends on the size of the farm and the land. But it would be a yearly compensation, almost
- Yes
- Yes: tax credits

4. Zoning in the Town has changed over the years, including attempts to prevent residential development of farmland. What, if any, impacts have those efforts had on slowing the residential development of agricultural land, and why?

- I think none
- Don’t know
- Not sure
- Development pressure has slowed, more a result of the town’s anti-development attitude than any specific zoning.
- Made it harder for builders and landowner; not helped those who want to farm
- I have seen no impact yet on my road/area – which is very agricultural but turning more residential every year since 2000 when I move here – except when one farmer purchased a farm from a retired farmer – and the grants that have helped make that beautifully managed farm a reality.
- It has a lot of impact, especially down the road. A major chunk of farmland in Dryden is under an easement, including mine. Non-Developed farmland.
- I don’t about recent years but back 20-30 years ago I sold a number of lots that got built on. I can think of 8-10.
- Selling land for farmers is often their retirement plan. The town has no right to infringe upon this option. It is the choice of the owners only. Regulation through selling development rights is a logical choice.
- Don’t know – but sure would like to be able to prevent future house lot sales of this land.
- It may have slowed development, but has taken personal property rights away from individuals. Perfect example banning fracking, wind mill turbines
- Unsure. It seems to have helped.
- Development should radiate from an established population center.
- I’m not sure; there seems to be a lot of development going on

5. What are your overall impressions or thoughts about development pressure on farmland in the Town?

- Development should be in pockets, eg. cluster of homes with open space attached
- Increased traffic does slow farming access
- Growth is very slow/stagnant [reference to previous comment... more a result of the town’s anti-development attitude than any specific zoning.

- I want the right to do with my farm as I choose
- Only reason no pressure now is no one wants to move to Dryden
- Intense pressure that development will destroy precious farmland Dryden Township forever!
- Good farmland slowly shrinking
- It is a little bit too much. There is always “pressure” on the farmers when it comes to the environment. I am an organic farmer so I am aware of environmental hazards with farms.
- Development pressure is not as bad as the pressure from large farming operations. They have the equipment and labor already on hand so they need land and will pay unreasonable prices for it.
- Dryden is slowly growing, as a result of Ithaca. It will continue to have urban pressure with people wanting a home in the “country”. Every new house is another “neighbor” with potential relationship challenges.
- Farmers looking for \$\$ plus proximity to Ithaca = increasing development pressure
- Not much pressure in our town
- It seems to be steady, on-going pressure in the years we have farmed.
- Keep development near population centers! The suburban mindset is not sustainable, town centers work!
- Although we are too small to be affected personally, we see development of farmland all around.

6. What are thoughts about Conservation Easements (Purchase of Development Rights, known as PDR)?

- Need to be valuable enough, and then probably referendum if development in future
- If development is restricted then should be compensation
- Good idea, process seems cumbersome
- Should be open to ALL farms – not just certain farms.
- Has some promise but lots of strings attached
- We NEED to protect farmland – if future generations are to exist – food needs to come from somewhere and hopefully that will be more and more “local” all the time – after all in my generation on my grandmothers farm “organic” was just agriculture!
- Good - but too slow
- Done
- Think it’s good. It has helped me develop my business a little further. It actually wasn’t a lot of money when you compare the amount with the cost of things in today’s economy.
- Have wondered some
- Good to have
- PDR is a waste of money. Based on fact there isn’t much development pressure. CE that leases land yearly or short periods of time a little better.
- We have applied in the past, so we generally support the program.
- Fine with me

7. Do you think the Town is “Farmer Friendly”? Yes No Don’t Know What experiences have you had or observed that led to that opinion?

- Mixed: Positive: helped farmers financially with PDR; negative created new zoning with active farmland zoned residential or conservation
- Don’t know
- Mostly: Some on your boards attitude that restrict production farming’ comment heard from development group
- No: Anti-gas drilling => no royalties; attempt to control large areas => CEAs; “open space” attempts to stop/prohibit sound ag practices; zoning not in sync w/Ag & Markets; Dryden “likes” farms if they can control every move we make... don’t ruin “their” view; make too much noise...
- No: Anti-Fracking environment
- No: Our taxes are so high that it’s almost impossible to keep out farms.
- Only because they say they are; anti-fracking, CEAs, new zoning classifications
- Yes: Most people in this community still have roots and respect to an agricultural community – let’s keep it that way!!
- Don’t know
- Yes (2)
- Don’t Know: I get it from both sides
- Don’t know
- No: Banning fracking, over regulating land uses (attempting), adopting very liberal policies and thinking that typically are not in the best interests of agriculture.
- Farmer Tolerant

8. What makes your operation successful?

- Increasing sales/markets
- Sweat
- Freedom to farm and market as I please
- Hardwork (2)
- Second job
- It's not successful
- Committed Family members
- Small farm
- Organic – family members involved
- Good help
- Hardwork, dedication, quality, consistency. Our farm plan helps give us a base and diversity of income and products help as well.
- I've run it for 62 years and always did well. Everything paid for and am conservative with spending.
- Access to land, labor and capital. Minimal regulation and government intervention. Efficiencies.
- My hard word and dedication.
- Me. Being free from regulations that cause undue burdens on farms would help a lot.
- Hard work and dedication
- Growing industry due to state regulation
- We raise a product that is popular because of its healthful benefits.

9. What are the biggest challenges for your operation and industry?

- Landuse
- People not willing to pay for good food. Cost of fuel, taxes (improvements vs. land)
- Ever increasing regulations on the slaughter houses so old facilities are not being replaced by new ones.
- Local government interference
- Big Farms – large farms getting larger and buying all available land
- Making ends meet, difficulty getting workers – young people don't want to work on farms.
- Federal and State "Regs" we don't need County or Town "Regs" on top
- Land and \$
- Land prices and availability
- Milk prod. Costs
- Good labor and people management, also pricing is a challenge
- My nephew is to buy the farm from me. The thing I fear is that he will at some time be forced to sell it because the taxes are so high. The assessment is unreal. We have a large operation on each side of us. They are so hungry for land that they will pay unreasonable prices for land and the assessment people are going by some of the very high prices recently. I get a break with enhanced STAR but nephew won't qualify. Taxes for him will take 1/4 – 1/3 of the gross income from this place, that just won't work for long. Farm was dairy 45 years ago, but all equipment is gone and if restarted, it would not be large enough to be successful.
- Access to land, labor and capital. Minimal regulation and government intervention. Efficiencies.
- Finding excellent hay; tolerance of mixed-use-trail users; economic and development pressures
- Weather, regulations, low prices, gov. interference
- Price fluctuations, labor – quality and availability
- Need to produce and package more product
- Economy & good help

10. What do you think the future of your industry is?

- Good
- Continue to "get big or get out" if gov't involved. "small is beautiful" if market rules.
- Sharing skills and specialized equipment
- There will always be a need for agriculture. Any operation willing to adapt to changing times will be successful. Localities with the "control mentality" will lose their farms eventually
- Poor outlook for small to midsize family farms
- It's getting so expensive to board a horse that people are giving up their hobby. Not much future in this part of the country.
- Challenging as always
- The horse industry will always fluctuate based on the economy and available family income – let's keep land in agriculture and "horses are a part of agriculture" – keep the land able to produce a crop that can feed future generations!!
- Very good
- Yogurt
- I think it will continue to grow especially with the growth of health conscience eating.
- Lots of opportunity, but not sure it is in our present location. Are there better opportunities in other states?
- A couple of farms may stay in existence and some niche farms may grow up, but the rest will tank due to gov. regulations, taxes, unfriendly pressure
- I am optimistic about the dairy industry in the Northeast and Dryden in particular.
- Pretty bright!
- Depends on economy
- Optimistic

Agricultural Landowner Survey

Attention Dryden Agricultural Landowners: The Town of Dryden has received a grant from New York State to develop an *Agriculture and Farmland Protection Plan* to promote continued agricultural use of farmland in the Town. The Town’s Agriculture Committee is overseeing this process (see <http://dryden.ny.us/board-commission-list/agricultural-advisory-commission>). To begin, we are working with Cornell Cooperative Extension of Tompkins County to gather and summarize farm data as well as farmer and agricultural land owner comments to help direct the plan’s development. Please, your information is needed; specific farm information will be maintained confidentially by Cooperative Extension, with only summaries being provided. Please contact Debbie Teeter at Cooperative Extension if you have any questions, or know a landowner who didn’t get, but would like, this survey: 607-272-2292.

***** PLEASE COMPLETE AND RETURN BY FRIDAY, MARCH 6TH *****

*ALSO – There will be a meeting for farmers and non-farming agricultural landowners to learn more about this project and review and comment on some of the survey results on **Wednesday, March 11th, 7:00 p.m. to 9:00 p.m.** at the Dryden Neptune Hose Company, 26 North Street in Dryden.*

Name: _____ Telephone No.: _____
Farm Name: _____ Email: _____
Address: _____

Please note: answers should apply to Town of Dryden land only, not to land you own outside Town borders

1. How many years have you or your family: Owned your land _____ Rented your land to a farmer _____
2. What motivates you to own land? (please select all that apply)
 recreation open space privacy income other _____
3. Total acres: _____ Owned _____ Farmed by you _____ Rented out _____ Pasture _____ Woodland
4. How many years have you: Rented out your farmland? _____ Rented to the current farmer? _____
5. What crops were grown on your farmland in 2014, if any? _____
6. If you own pasture and it’s used for livestock, is it: Your livestock?
 Rented to another for their livestock?
7. If you own woodland, do you: Have a forest management plan?
 Regularly harvest wood for timber?
 Regularly harvest wood for firewood?
8. Do you expect to rent your land to a farmer 5 to 10 years from now? _____ Beyond 10 years? _____
9. Do you plan to actively farm some or all of your land yourself in the future? _____ When? _____
10. Do you place any restrictions on farming practices on your land? _____ If so, what? _____
11. Have you ever sold land for house lots? _____ If so, when? _____ how many? _____
Was any of it tillable land? _____

- 12. Do you expect to sell land for house lots in the next 5 to 10 years? _____
If so, how many acres? _____ Might it include tillable land? _____
- 13. If you've sold or expect to sell house lots, what was/is your motivation? _____
- 14. Are you familiar with lease or sale of development rights programs as a tool for protecting agricultural and other open land? _____
- 15. What do you expect will happen to your land in the future?

Please respond to the next questions using a scale of 1 to 5:

	<u>dissatisfied</u>			<u>highly satisfied</u>
16. How satisfied are you with your current rental arrangement?	1	2	3	4 5
	<u>not difficult</u>			<u>very difficult</u>
17. How difficult has it been to find a farmer to rent your land?	1	2	3	4 5
How important is/are:	<u>not important</u>			<u>very important</u>
18. The rental payments you receive?	1	2	3	4 5
19. That your land remains actively farmed?	1	2	3	4 5
20. That your land remains undeveloped?	1	2	3	4 5
21. The restrictions you place on farming practices, if applicable?	1	2	3	4 5
22. Receiving agricultural assessment, if applicable?	1	2	3	4 5
23. The income from selling housing lots, if applicable?	1	2	3	4 5
	<u>uninterested</u>			<u>very interested</u>
24. Are you interested in leasing or selling your development rights?	1	2	3	4 5
How would you rank:	<u>very low</u>			<u>very great</u>
25. Housing development pressure as a threat to farming in Dryden?	1	2	3	4 5
26. Housing development pressure as a threat to farming near your land?	1	2	3	4 5
	<u>not at all</u>			<u>highly likely</u>
27. Would nearby development influence you to subdivide your land?	1	2	3	4 5
28. Finally, what kinds of services/assistance would you like that might help you manage your land?				

Additional thoughts or comments:

Dryden Non-Farmer Survey Responses, Questions 16 - 27							
Question							
	dissatisfied	1	2	3	4	5	highly satisfied
16	How satisfied are you with your current rental arrangement?		1	3	7	8	
	not difficult						very difficult
17	How difficult has it been to find a farmer to rent your land?	13	3	2	1		
	not important						very important
	How important is/are:						
18	The rental payments you receive?	2	2	1	7	7	
19	That your land remains actively farmed?			1	5	13	
20	That your land remains undeveloped?		1	2	4	12	
21	The restrictions you place on farming practices, if applicable?	2	3	3	2	5	
22	Receiving agricultural assessment, if applicable?			1	3	15	
23	The income from selling housing lots, if applicable?	8	1	1	2	1	
	uninterested						very interested
24	Are you interested in leasing or selling your development rights?	8		7		2	
	How would you rank:						
	very low						very great
25	Housing development pressure as a threat to farming in Dryden?	2	1	10	3	2	
26	Housing development pressure as a threat to farming near your land?	4	4	5	2	4	
	not at all						highly likely
27	Would nearby development influence you to subdivide your land?	11	3	3	1	1	

Dryden Agricultural Landowners Survey Responses to Written Questions

Questions 28: Finally, what kinds of services/assistance would you like that might help you manage your land?

- Soils, improving hay field
- Assistance with drainage
- An assessment of woodlot value and management ideas
- Natural gas [two respondents]
- Information about conservation easements
- We have four ponds on our property; I would like to maintain them better
- Find small farmers or beginning farmers to rent. Information about ways to protect the land into the future.
- It would be better to farm if local government would stop trying to put CEAs & trails on privately owned land. Local government doesn't involve the landowner till it's a done deal.
- Lower tax assessment!

Additional thoughts or comments:

- The present renter is interested in buying the farmland when available.
- We are considering selling the land because it does not generate income vs. the taxes, and we cannot use it personally.
- Many of these issues will apply to my "children" as I am at retirement age and not able to personally develop ag.
- I do Not like the town or the state restricting what I decide to do with my land.
- Because a neighboring property is sold for a very high price, the assessment of my property should not be increased.
- This program may be the only way we can save our agricultural land and open space lands. This is something we can and need to do for future generations, whether it's being used for agriculture or refuge of open space for both wildlife and people to enjoy. [I think this person is referring to PDR]
- I have always found the services offered by Soil and Water and Cooperative Extension to be very helpful. I don't currently use these services, but hopefully they are still available as they have been in the past.
- We had an oil lease until the Town of Dryden took that right away. It really helped with the taxes. {I think this person is referring to the signing bonuses}. The land has had oil leases for many, many years.
- [referencing questions #26, Housing development pressure nearby] I think it is the high taxes and low income for small farmers that makes them have to sell the land. Restricting oil leases made it tougher.
- The taxes on this land was higher than the rent – and the rent was on the high dollar amt, for paying rent. So there's a problem – losing money



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
Division of Land and Water Resources
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August 13, 2012

Mary Ann Somner, Supervisor
Town of Dryden
93 East Main Street
Dryden, NY 13053

RE: Generic Review/Comments - Proposed Amendments to the Town of Dryden's Local Zoning Ordinance

Dear Supervisor Somner:

As stated in my May 30, 2012 letter to you, the Town of Dryden Farmer's Committee requested a review of the referenced zoning ordinance. The Department may examine a local law or its administration pursuant to AML §305-a if a farm operation located within a county adopted, State certified agricultural district is impacted. Pursuant to AML §305-a(1), local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations located within an agricultural district unless it can be shown that the public health or safety is threatened. My comments pertain only to farm operations or start-up farms that are located within a county adopted, State certified agricultural district. The Department offers the following comments on the proposed Ordinance:

Article III – Definitions

"Agriculture-Related Enterprise" –The definition includes services or products which could relate to livestock, such as stud services from livestock owned by the farm. Furthermore, the definition also includes the wholesale and retail sale of "grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations." Retail and wholesale sales of product grown on a farm operation, including grain, fruit, produce, trees, shrubs, and flowers are part of a "farm operation" as defined in the Agriculture and Markets Law (AML) and the Town's Zoning Ordinance. The Department's Guidelines for Review of Local Laws Affecting Nursery Operations, Temporary Greenhouses and Direct Farm Marketing address the production, preparation and marketing of such products grown on farm operations.

"Commercial Horse Boarding Operation" – The AML definition of "commercial horse boarding operation" was amended by the New York State Legislature in 2005 to provide protections for start-up commercial horse boarding operations.

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"Commercial Horse Boarding Operation" means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation." (underlined portion added in 2005)

The proposed Ordinance does not include a definition for "Commercial Equine Operation." This term, defined below, was added to the definition of "farm operation" [AML §301(11)] in 2011:

"Commercial Equine Operation means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation. [AML §301(17)]

"Farm Operation" –This term in the Ordinance needs to be amended to reflect the addition of "commercial equine operation" to the State's definition of "farm operation."

"Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this section, a "timber operation" as defined in subdivision fourteen of this section, "compost, mulch or other biomass crops" as defined in subdivision sixteen of this section and "commercial equine

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operation" as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other. [AML §301(11)]

"Farm Stand" is defined as a seasonal or temporary stand where farm products can be sold. Some farmers have farm markets where agricultural products are sold throughout the year. Attached is the Department's *Guideline for Review of Local Laws Affecting Direct Farm Marketing Activities*, which provides information on the type of activities the Department considers to be agricultural and part of a farm operation.

Article IV – Zoning Districts – The "final draft" of the Town of Dryden's Zoning Map contains land within six zoning districts which is also located within Agricultural District No. 1. These zoning districts include the Mixed Use Commercial District (MC), the Conservation District (CV), the Hamlet District (H), the Neighborhood Residential District (NR), the Rural Agricultural District (RA) and the Rural Residential District (RR). See attached agricultural district map for Tompkins County.

According to the "Use Regulations" table on pages 24 through 26, agricultural use/farm operations is a permitted use in all of the Town's zoning districts. A farm stand, as defined in the proposed Ordinance as seasonal or temporary use, is also a permitted use in all zoning districts. However, as discussed above, some farmers have "stands" or "markets" that are in operation throughout the year.

Under the Use Regulations for the Business Group Use, "Agriculture-Related Enterprise," is permitted in the RA, CV and MC zones, requires a Special Use Permit (SUP) and Site Plan in the RR and LIO/LIO-A (Light Industrial/Office) zones, and is not permitted in the NR and H Zones. Under the AML, those activities that are part of a farm operation should be permitted on all farm operations located within a county adopted, State certified, agricultural district. Please see above discussion of the definition of agriculture-related enterprise.

Under the subheading "Nursery/Greenhouse, Retail," on the Table of Uses, it appears that this use is a permitted use in the RA and MC zones and is otherwise prohibited or restricted. However, many nursery/greenhouse farm operations sell product grown on the farm directly to the public. As defined in the proposed zoning ordinance, activities listed within the definition are the same activities found on farm operations located within a county adopted, State certified agricultural district. In the Department's view, the sale of horticultural commodities grown by a nursery/greenhouse farm operation, located within an agricultural district, should be a permitted use in all zoning districts.

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Proposed Ordinance Section 801 – Traditional Neighborhood Development Overlay District - §801(G)(4) states that a "horticultural nursery" is an allowed use with a Special Use Permit. In general, the construction of on-farm buildings and the use of land for agricultural purposes within a county adopted, State certified agricultural district should not be subject to site plan review, special use permits or non-conforming use requirements. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation located within an agricultural district should be allowed uses. Town Law §274-b (1) allows a town board to authorize a planning board or other designated administrative body to grant special use permits as set forth in a zoning ordinance or local law. "Special use permit" is defined as "...an authorization of a particular land use which is permitted in a zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met." Agricultural uses in an agricultural district are not, however, "special uses." They are constitutionally recognized land uses which are protected by AML §305-a (1). Further, agricultural districts are created and reviewed locally through a process which includes public notice and hearing, much like zoning laws are adopted and amended. Therefore, absent any showing of an overriding local concern, an exemption from special use permit requirements should be provided to farm operations, including "horticultural nursery," located within an agricultural district.

The application of site plan requirements to farm operations can have significant adverse impacts on such operations. Site plan review, depending upon the specific requirements in a local law, can be expensive due to the need to retain professional assistance to certify plans or simply to prepare the type of detailed plans required by the law. The lengthy approval process in some local laws can be burdensome, especially considering a farm's need to undertake management and production practices in a timely and efficient manner. Site plan fees can be especially costly for start-up farm operations. Therefore, absent any showing of an overriding local concern, generally, an exemption from site plan requirements should be provided to farm operations located within an agricultural district. However, as discussed in more detail in the Department's *Guidelines for Review of Local Zoning and Planning Laws* (copy enclosed), the Department recognizes the desire of some local governments to have an opportunity to review agricultural development and projects within their borders. Therefore, the Department developed a model streamlined site plan review process which attempts to respond to farmers' concerns while ensuring that local issues are examined. The Department's Local Zoning Guidelines discuss the Department's recommended streamlined site plan review process in greater detail.

Section 901 – Unregistered Vehicles – Please see the attached Department *Guidelines for Review of Local Laws Affecting Junk, Litter and Junkyards* and a letter from the Department of

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State, Codes Division, concerning unregistered vehicles on farms. Basically, the Department supports the keeping of unused agricultural equipment that is used for parts, as long as the equipment is stored out of sight or minimally seen by the public.

Section 903(B) provides, in part, that except for an Outdoor Advertising Billboard, all signs must be located on the premises to which they pertain. Frequently, farmers require the placement of temporary directional signs off-site to guide the public to their farm. The Department suggests exempting such signs as long as they are seasonal, located off the road rights-of-way and on property owned by the farmer or with consent of the landowner.

Section 903 – Signs, Table– It appears that farm stands may have up to three signs with each sign not exceeding 16 sq. feet in area. This sign may be too small to attract the attention of passing motorists. Section 903(C)(6) allows a 32 sq. ft. sign to temporarily advertise the name of a professional who is performing work on a parcel of land, while a temporary sign to advertise the sale of farm products is limited to 16 sq. ft. The farmer has the ability to apply for an area variance, however, to increase the sign size; and if the ZBA denies the request, the farmer may request a review pursuant to AML §305-a.

Article XI – Site Plan Review - Please see above discussion. –The Department's model streamlined site plan review process is described in the Department's *Guidelines for Review of Local Zoning and Planning Laws*.

Article XII – Special Use Permit – Please see above discussion. In the Department's view, agricultural production, preparation and marketing, on farm operations located within a county adopted, State certified agricultural districts, are not "special uses," but are protected uses for the purposes of AML §305-a.

Section 1304 – Mining – The New York State Department of Environmental Conservation, pursuant to its implementing regulations at 6 NYCRR 420.1(k), provides that the definition of "mining" does "not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities." It appears that proposed zoning Ordinance §1304(1) would require a farmer, that receives a determination and waiver exempting agriculturally related projects from applying for a State issued mining permit, would still have to comply with proposed Ordinance §1304(D). This section of the Ordinance requires a public hearing before the Town Board and the issuance of a Special Use Permit. Please see above for comments on special use permits for farm operations located within a county adopted, State certified agricultural district. In the Department's view, the Town may require a streamlined site plan review, but not a special use permit.

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Thank you for your consideration. If you have any questions concerning my comments, please contact me at 518/457-8887.

Sincerely,



Robert Somers, Ph.D.
Manager, Agricultural Protection Unit

Encs.

Cc: Tim Woods, Town of Dryden Farmer's Committee
Rachel Crispell, Chair, Tompkins County AFPB
Danielle Cordier, Esq., Dept. of Agriculture and Markets



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September 6, 2012

Robert Somers
NYS Department of Agriculture and Markets
Division of Land and Water Resources
10B Airline Drive
Albany, NY 12235

Re: Generic Review/Comments – Proposed Amendments to the Town of Dryden’s Local Zoning Ordinance – Response to comments.

Dear Mr. Somers,

This letter is in response to your letter dated August 13, 2012 with regard to review of the town’s zoning ordinance. The law was adopted on July 26, 2012 and is now in full effect. Supervisor Sumner asked me to prepare a response to your office. The Town of Dryden prides itself in its farm protection measures; protection of three farms through conservation easements, Right to Farm Law and an extensive discussion of farmland protection in the town’s 2005 Comprehensive Plan.

Definitions

I read in detail your comments regarding the definitions of Agriculture Related Enterprise, Commercial Horse Boarding Operation, Commercial Equine Operation, Farm Operation and Farm Stand.

The town spent a great deal of time going over the various definitions related to horse operations. There had been interest by some on the Planning Board to regulate these types of operations. In the end, the decision was made that these operations are self regulating with regard to traffic and parking, and the town also decided that there was no need in the town to regard any horse operation as other than a “horse farm.” That is why the town chose to have one definition. The minimum acreage, income and number of horses are more important to your department. The town is more concerned with establishing what is the primary use, and how it is, or isn’t, allowed. As defined currently in our law, a Commercial Equine Operation and Commercial Horse Boarding Operation are both equally allowed uses. Therefore I see no need to change the definitions as they are.

Your comment regarding the definition of a Farm Stand seems to take issue with using the term “temporary” and “seasonal.” These terms are necessary to separate this type of stand, which is often more associated with gardens than farms with more permanent establishments.

Direct marketing activities are covered by the term Agriculture-Related Enterprise; "wholesale or retail sale of grain, fruit, produce, trees, shrubs, flowers or other products of local agricultural operations." The only issue I have is that it may be construed to require that all products are of "local" agricultural operations. I don't think this is the correct way to phrase it. That is, I don't think the town's intention is to limit those items to local if the operator of the stand wanted to sell peaches from Pennsylvania as well. Possibly we should look into memorializing that concept in the definition, but to date it has not been an issue.

Use Regulations

Concerning your comments on the "use regulations," specifically the concern of permitting agriculture uses on parcels located within Tompkins County Ag. District number 1, your wording is important. You stated first "those activities that are part of a farm operation should be permitted..." Now, it appears from the map provided alone that the town is restricting the ability of farms to operate because we have zoned parcels in the Agricultural District as Neighborhood Residential, which doesn't allow many uses. The reason for this is that those parcels have been subdivided and for the most part are built upon. There is no chance that an agricultural related enterprise will be proposed in those areas, certainly not by a farm. The real issue is the resistance of the county to remove parcels from the Ag. District.

Concerning the issues with Nursery/Greenhouse Retail, I am somewhat confused. I was informed by someone at NYS Ag. and Markets that your department was concerned with wholesale greenhouse operations only. This was an inquiry I made when someone was exploring a retail operation in the town. Your letter indicates that a greenhouse farm operation of any type should be an allowed use in every district if located in an agricultural district. I will have to revisit this issue. The concern for the town is the retail nature of the operation. It is understood and accepted that wholesale operations would be considered a farm operation. Retail sales creates other issues for the town. The town will consider possibly only requiring Site Plan Review for this type of use in all but the Neighborhood Residential District.

Which leads me to your long section prompted by a clause in the Traditional Neighborhood Development Overlay District. To be brief, you have missed the purpose of the overlay. The overlay does not govern except when the provisions in the overlay are sought. In this case that would be when a developer wishes to extend water and sewer to an area to build an extensive residential development. The TNDOD section of the law does not apply unless that type of residential development were proposed. If it were sought the part of the law requiring a Special Use Permit is intended to accommodate a horticultural operation as long as it would not disturb the residential development. The idea being to provide for a variety of commercial enterprises that could serve the proposed development, as well as to a limited extent neighboring development. That being the case, the existence of this provision would not limit someone from proposing a horticultural operation due to the existence of the overlay. The underlying zoning district is the governing force.

Site Plan Review

With regard to streamlining Site Plan Review. The adopted Site Plan Review regulations start with a sketch plan. This does not require engineering or other services, and there is no fee. After review of the Sketch Plan, the reviewing board has the option of requiring Site Plan Review, or waiving Site Plan Review in its entirety. I cannot fathom a more flexible review process. Further, the board is not obligated to require all of the items in the list for Site Plan Review if it is required. Therefore, although I found your "model" law interesting, I

will not be proposing any changes to the town's Site Plan Review procedure. As a Planning Board Chairman I have used this type of approach many times and it is extremely fair and effective.

Unregistered Vehicles

The town's stance on unregistered vehicles stems from many years of enforcing the cleanup of sites within the town where these types of vehicles were an issue. The town has found a good balance, and has never had an issue with a farm.

Signs

Your comments on temporary directional signs is well taken. This is an area of the law that the town did not focus on and remained largely the same. You're right, these types of signs should be allowed, but the town will also need to know in order to make sure they are temporary. A straight exemption would not be acceptable. However, a free registration with my office would probably suffice. The town will likely review the size and number of signs for all uses. The current regulations work rather well, and bigger are not always better. However an adjustment may be in order. Keep in mind that temporary farm stands are treated differently than a business that might qualify as an Agriculture Related Enterprise, which would be allowed more signage.

Special Use Permits

Your comment on Special Use Permits isn't clear to me as the town does not ever require a Special Use Permit for farm operations.

Mining

The town's regulations on mining are very clear and are consistent with state law. We recently had a farm apply for a Special Use Permit following receipt of a DEC mine permit with no issues. I will not propose any changes to this section.

Thank you again for providing the department's viewpoint on the town's zoning ordinance. I was wondering if you were supplied with a copy of our Subdivision Law that was adopted at the same time? If you would like to review it I can send you a copy, or you may retrieve it any time from our website.

If you ever have any questions regarding planning or laws in the Town of Dryden, please don't hesitate to contact me.

Sincerely,



Daniel J. Kwasnowski
Director of Planning

C: Mary Ann Sumner
Evan Carpenter, Town of Dryden Farmer's Committee
Rachel Crispell, Chair, Tompkins AFPB
Mahlon R. Perkins, Town Attorney

NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for
Agricultural Mitigation for Solar Energy Projects

The following guidelines apply to the construction, restoration, and follow-up monitoring of solar energy projects impacting agricultural land. Depending on the size of the project, the project sponsor should hire an Environmental Monitor to oversee the construction, restoration and follow-up monitoring in agricultural fields. The Environmental Monitor should be on site whenever construction or restoration work is occurring on agricultural land and should coordinate with the New York State Department of Agriculture and Markets (Ag. and Markets) to develop an appropriate schedule for inspections to assure that the goals of these guidelines are being met. The Environmental Monitor should maintain regular contact with the affected farmers and Ag. and Markets concerning farm resources and management matters pertinent to the agricultural operations and the sitespecific implementation of these guidelines.

Order of Importance

Project sponsors should avoid the installation of solar arrays on the most valuable or productive farmland. The following is the order of importance for solar array avoidance:

Active Rotational Farmland (most important):

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Permanent Hayland:

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Improved Pasture:

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Unimproved Pasture:

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Other Support Lands:

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Fallow/Inactive Farmland (least important):

- comprised of Prime Farmland Soils
- comprised of Prime Farmland Soils (if drained)
- comprised of Soils of Statewide Importance

Other considerations include impacts to fencing and watering systems associated with rotational grazing systems and reduction in farmland viability due to the reduction in remaining productive farmland.

Minimize impacts to normal farming operations by locating structures for overhead collection lines in nonagricultural areas and along field edges where possible. If structures must be located in active agricultural fields, they should be aligned with crop rows.

Avoid dividing larger fields into smaller fields, which are more difficult to farm. Locate access roads along the edge of agricultural fields (hedgerows and field boundaries) and in nonagricultural areas where possible.

Eliminate the need for cut and fill and reduce the risk of creating drainage problems by locating access roads, which cross agricultural fields, along ridge tops and by following field contours, where possible.

The permanent width of access roads in agricultural fields should be no more than 16 feet to minimize the loss of agricultural land.

Avoid all existing drainage and erosion control structures such as diversions, ditches, and tile lines or take appropriate measures to maintain the design and effectiveness of the existing structures. Repair any structures disturbed during construction to as close to original condition as possible, as soon as possible, unless such structures are to be eliminated based on a new design.

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The surface of access roads constructed through agricultural fields should be level with the adjacent field surface.

Install culverts and waterbars to maintain natural drainage patterns.

Strip all topsoil from agricultural areas used for vehicle and equipment traffic, parking, and equipment laydown and storage areas. Limit all vehicle and equipment traffic and parking to the access road and/or designated work areas such as laydown areas. Do not allow vehicles or equipment outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.

The area of impact from the installation of electric cables can vary depending on the installation method and amount of disturbance. When an open trench is required for cable installation, topsoil stripping from the entire work area may be necessary. As a result, additional work space may be required.

Stockpile topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) separate from other excavated material (rock and/or subsoil). At least 50 feet of temporary workspace is needed along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil will be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Clearly designate topsoil stockpile areas in the field and on construction drawings.

Electric interconnect cables and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. As a result, interconnect cables should be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground should be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

All buried electric cables in cropland, hayland and improved pasture should have a minimum depth of forty-eight inches of cover. In unimproved grazing areas and land permanently devoted to pasture, the minimum depth of cover should be thirty-six inches. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables should be buried entirely below the top of the bedrock or at the depth specified for the particular land use whichever is less. At no time should the depth of cover be less than twenty-four inches below the soil surface.

When buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. Install all drain lines according to Natural Resource Conservation Service standards and specifications. Drain tile should meet or exceed the AASHTO M252 specifications.

Remove all excess subsoil and rock from the site. On-site disposal of such material should only be allowed if approved by the landowner, with appropriate consideration given to any possible agricultural or environmental impacts.*

In pasture areas, it may be necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.

Pick up all pieces of wire, bolts, and other unused metal objects and properly disposed of as soon as practical to prevent mixing with any topsoil.*

Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas.*

(*Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the contractor, with the cooperation of the landowner when required.)

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All agricultural areas temporarily disturbed by construction should be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, remove all rocks 4 inches and larger in size from the surface of the subsoil prior to replacement of the topsoil. Replace the topsoil to original depth and reestablish original contours where possible. Remove all rocks 4 inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement should be avoided after October 1. All parties involved should be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent

Conservation District, and Ag. and Markets . All concrete piers, footers, or other supports should be remove to a depth of 48 inches below the soil surface. Underground electric lines should be abandoned in place. Access roads in agricultural areas should be removed, unless otherwise specified by the landowner.

Revised 1/18/17